

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NO. 19-CR-10040

JEFFREY W. YOUNG, JR.,

Defendant.

TRANSCRIPT OF THE JURY TRIAL
BEFORE THE HONORABLE JOHN T. FOWLKES
AFTERNOON SESSION

TUESDAY

MARCH 28, 2023

TINA DuBOSE GIBSON, RPR
OFFICIAL REPORTER
FOURTH FLOOR FEDERAL BUILDING
MEMPHIS, TENNESSEE 38103

UNREDACTED TRANSCRIPT

A P P E A R A N C E S

Appearing on behalf of the Government:

KATHERINE PAYERLE
ANDREW PENNEBAKER
United States Department of Justice
Fraud Section
1400 New York Avenue, NW
Washington, DC 20530
(202) 341-4227
katherine.payerle@usdoj.gov
andrew.pennebaker@usdoj.gov

Appearing on behalf of the Defendant:

CLAIBORNE H. FERGUSON
RAMON DAMAS
The Claiborne Ferguson Law Firm, PA
294 Washington Avenue
Memphis, Tennessee 38103
(901) 529-6400
claiborne@midssouthcriminaldefense.com
ramon@midssouthcriminaldefense.com

W I T N E S S I N D E XPAGE**WITNESSES:****KRISTIE GUTGSELL**

CONTINUED DIRECT EXAMINATION BY MS. PAYERLE. 7

CROSS-EXAMINATION BY MR. FERGUSON..... 10

REDIRECT EXAMINATION BY MS. PAYERLE..... 26

HOPE ARMENT

DIRECT EXAMINATION BY MR. PENNEBAKER..... 31

CROSS-EXAMINATION BY MR. FERGUSON..... 65

DANIEL ROGERS

DIRECT EXAMINATION BY MS. PAYERLE..... 88

KATIE TRIPP

DIRECT EXAMINATION BY MS. PAYERLE..... 103

EXHIBITS

| <u>No.</u> | <u>Description</u> | <u>Marked</u> |
|------------|--|---------------|
| 20 | Facebook post by Jeff Young about one of his patients..... | 7 |
| 21 | Intake form of Hope Rogers..... | 34 |
| 22 | 2014-2015 Hope Rogers prescriptions..... | 42 |
| 23 | Facebook Messages between Jeff Young and Hope Rogers..... | 53 |
| 24 | Photograph of Baby A..... | 85 |
| 25 | Patient record for Andy Azbill..... | 93 |
| 26 | 2016 prescription for Katie Crowder..... | 107 |
| 27 | Facebook Messenger Message between Katie Crowder and Jeffrey Young..... | 108 |
| 28 | Audio Recording File .001, UC's third visit.... | 112 |
| 29 | Audio Recording File .006, UC's interaction with Young, third visit..... | 112 |
| 30 | Audio Recording File .002 UC's interaction with staff, fourth visit..... | 112 |
| 31 | Audio Recording File .004, UC's interaction with Young, fifth visit..... | 112 |
| 32 | Audio Recording File .004, UC's interaction with Young, sixth visit..... | 112 |
| 33 | Audio Recording File 6.20 to 18:00, UCs' interactions with Young, Seventh visit..... | 112 |
| 34 | Prescription for Katie Crowder and receipt.... | 118 |
| 35 | Fentanyl patch prescription for Katie Crowder.. | 121 |
| 36 | Lortab prescription for Katie Crowder..... | 125 |
| 37 | Lortab prescription for Katie Crowder..... | 127 |

1 TUESDAY

2 MARCH 28, 2023

3 -----

4
5 THE COURT: Anything before we bring in the
6 jurors?

7 MS. PAYERLE: I'll have the witness retake the
8 stand.

9 THE COURT: Yes.

10 MS. PAYERLE: Thank you.

11 THE COURT: Mr. Herrin passed forward to me a
12 witness list.

13 MS. PAYERLE: Yes, Judge.

14 THE COURT: I appreciate seeing this. Fourteen
15 is better than 40.

16 MS. PAYERLE: Yes, Your Honor. It dawned on me
17 that the names that I read at the very beginning and you've
18 heard people say the names of other people, including
19 patients, and so those are names that would be said in trial
20 but not necessarily people that we were going to call to
21 testify. So I think I understand the miscommunication.

22 THE COURT: Okay. I believe we're ready for the
23 jury. Bring them in, please.

24 (Jury in at 1:39 p.m.)

25 THE COURT: Okay. Everyone, I hope you enjoyed

1 lunch. And we're ready to proceed at this time so I'm going
2 to turn it back over to the Government.

3 MS. PAYERLE: Thank you, Your Honor.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

EXAMINATION OF KRISTIE GUTGSELL

7

1 CONTINUED DIRECT EXAMINATION

2 BY MS. PAYERLE:

3 Q. Ms. Gutgsell, I have only a few more questions for
4 you. I'd like to show you -- were you Mr. Young's friend on
5 Facebook?

6 A. Yes, ma'am.

7 Q. You saw a lot of his Facebook posts?

8 A. Yes, ma'am.

9 Q. I'm going to show you a one-page document we marked
10 908. Is this a post by Jeff Young about one of his patients?

11 A. Yes, ma'am.

12 MS. PAYERLE: All right. The Government will
13 move to admit.

14 THE COURT: That would be Exhibit No. 20.

15 (Exhibit 20 marked and received.)

16 MS. PAYERLE: Let's go ahead and publish
17 Exhibit 20 to the jury, if you would.

18 BY MS. PAYERLE:

19 Q. Ms. Gutgsell, do you see at the top of the post that
20 says: Six months clean today. So proud of Aaron Beaver --
21 with some numbers in there -- love you, dude. You and your
22 story inspires and humbles me. If you are out there and
23 think there's no hope, please contact us at PREVENTAGENIX and
24 let us help facilitate your recovery and get your life back?

25 A. Yes, ma'am.

EXAMINATION OF KRISTIE GUTGSELL

8

1 Q. And do you see where Jeff Young writes below: This is
2 why I do what I do every day?

3 A. Yes, ma'am.

4 Q. And he says: This is why I put up with all the
5 bullshit and heat?

6 A. Yes, ma'am.

7 Q. He says: This story right here is why I put myself
8 out there on social media. Aaron Beaver and I would never
9 had met had there not been controversial Facebook posts about
10 myself addressing addiction as a disease.

11 Do you see that?

12 A. Yes, ma'am.

13 Q. Can you -- did you know Aaron Beaver?

14 A. I did.

15 Q. Can you tell the story about how Aaron Beaver came to
16 be -- just the very beginning of that story, how he came to
17 be a patient at PREVENTAGENIX?

18 A. It goes back to where Jeff had posted on Facebook
19 about if you need help with addiction, please contact me.
20 And he either contacted myself or Jeff. I don't remember
21 which way it went.

22 Q. And he became a patient at PREVENTAGENIX?

23 A. Yes, ma'am.

24 Q. And was it documented in his patient file that he was
25 suffering from addiction?

EXAMINATION OF KRISTIE GUTGSELL

9

1 A. Yes, ma'am.

2 Q. To opioids?

3 A. Yes, ma'am.

4 Q. Did Jeff Young at some point begin prescribing opioids
5 to Aaron Beaver?

6 A. Yes, ma'am.

7 Q. And do you remember what the name of that drug was?

8 A. No.

9 Q. Okay.

10 A. I don't, no.

11 Q. Thank you. Ms. Gutgsell, is it fair to say that
12 you -- and I think this is just based on what you've
13 testified --

14 MS. PAYERLE: We can take the exhibit down.

15 BY MS. PAYERLE:

16 Q. That working at PREVENTAGENIX was a volatile
17 experience for you?

18 A. Yes, ma'am.

19 Q. Tell the jury, if you would, please, why did you stay
20 for so long?

21 A. It -- if you don't stay on Jeff's team and you do
22 things against Jeff, he goes after you, whether it be through
23 social media, through his friends. Publicly on Facebook, he
24 would just embarrass you and just tell stories and talk about
25 you and harass you and he did that -- I watched it numerous

EXAMINATION OF KRISTIE GUTGSELL

10

1 times, and I didn't want to be a part of that embarrassment.

2 MS. PAYERLE: Your Honor, if I may have just one
3 moment, please.

4 THE COURT: Okay.

5 MS. PAYERLE: Thank you, Your Honor. At this
6 time, we pass the witness.

7 THE COURT: All right. Thank you.

8 And, Mr. Ferguson, is there any cross?

9 CROSS-EXAMINATION

10 BY MR. FERGUSON:

11 Q. Good afternoon.

12 A. Yes, sir. Good afternoon.

13 Q. I've been corrected twice over talking over the
14 witness, so I'm going to try hard not to overtalk you.

15 A. Okay.

16 Q. When did you start with Mr. Young?

17 A. It was August, 2015.

18 Q. And was that after Ms. Goslee had left?

19 A. Yes, sir.

20 Q. And you were friends with Ms. Goslee?

21 A. Yes, sir.

22 Q. And she recommended the job to you?

23 A. No, she did not.

24 Q. She just told you about it or --

25 A. No. She -- I had become friends with Jeff at this

EXAMINATION OF KRISTIE GUTGSELL

11

1 point too.

2 Q. That makes sense. And part of your job was to
3 schedule all of the appointments and the healthcare
4 providers?

5 A. No, that was not. I didn't -- I scheduled patients
6 sometimes, but we had receptionists that scheduled most of
7 those appointments.

8 Q. Okay. I'm going to pass this to you. Did you see
9 this already?

10 A. Yes, sir, I believe this is the same one.

11 Q. It's Exhibit 8 already admitted. This was the
12 schedule that the Government was talking to you about?

13 A. Yes, sir.

14 Q. Did you prepare this?

15 A. No. This is what you can print off from the computer
16 when the -- when a patient calls for an appointment. You put
17 it in the computer, and then you can print, like, the master
18 list, which is what this is.

19 Q. Okay. Well, I just want to zoom in here a little bit
20 over here on this far side on the right where it says
21 "comments"?

22 A. Yes, sir.

23 Q. You were saying that the one-month follow-ups mean
24 what?

25 A. Typically, those patients are coming in for controlled

EXAMINATION OF KRISTIE GUTGSELL

12

1 substances, and they have to come in monthly.

2 Q. Do they have to be controlled substances to be a
3 one-month follow-up?

4 A. That's what these appointments were.

5 Q. Okay. And what is this?

6 A. Echo.

7 Q. Did Jeff do echoes?

8 A. He did not.

9 Q. By echo, do you mean echocardiogram?

10 A. Yes, sir.

11 Q. There was another provider in the clinic that did
12 echoes?

13 A. Yes, sir, on certain days.

14 Q. Certain days?

15 A. Not every day.

16 Q. And you've got: Fasting labs, echoes, follow-up.
17 There's a lot of stuff going on here on a day-to-day basis;
18 is that correct?

19 A. Yes, sir. There's a lot of patients.

20 Q. And for the majority, it's all insurance payments
21 except for -- what does private pay mean? Is that cash?

22 A. Yes, sir.

23 Q. Okay. So you have private pay, commercial insurance
24 is insurance, Medicare is insurance, BlueCare, private
25 insurance, private insurance. There's a lot of -- I think

EXAMINATION OF KRISTIE GUTGSELL

13

1 you were saying there was a lot of people paying cash, but it
2 looks like there's only a handful of cash payments on this
3 day.

4 A. On this day.

5 Q. That's pretty typical for a day?

6 A. Not necessarily. Each day varies.

7 Q. Okay. And then when you have these things that say,
8 like, new patient, wants to see April. Who is April?

9 A. April was another provider that came, I believe, two
10 days a week.

11 Q. Okay. So to be fair, on what's been marked as
12 Exhibit 8, there's at least another person doing echoes, and
13 then there's April, who was another nurse practitioner also
14 in the office on this day; is that correct?

15 A. If it says echo next to the patient, they would be
16 seen for an echo only, correct.

17 Q. And then April was another nurse practitioner?

18 A. Yes. She was only there a couple of days a week.

19 Q. And follow-up, Daniel, see patient drug screen?

20 A. Correct.

21 Q. Who is Daniel?

22 A. Daniel was another employee.

23 Q. Okay. And so this other employee is now doing the
24 drug screens on this patient here?

25 A. No. More than likely, what that meant was Daniel

EXAMINATION OF KRISTIE GUTGSELL

14

1 needed to see the patient because of the patient's drug
2 screen, and if Daniel was being told to come in, it was
3 because of a drug screen -- the patient had failed the drug
4 screen.

5 Q. This being somebody had followed up with a drug
6 screen, and the patient needed counseling?

7 A. It's two different things, actually.

8 Q. Okay.

9 A. So the follow-up would be the patient was there for
10 medication.

11 Q. Correct.

12 A. And also Daniel needed to talk to the patient about
13 their drug screen.

14 Q. Yes, ma'am. So -- but on the chart or on this -- I'm
15 not sure what the sheet is called. What do you call the
16 sheet? Just the appointment list?

17 A. Yes, like, a master list.

18 Q. Master list?

19 A. Yes, sir.

20 Q. There's a notation on here that this person is coming
21 in for a follow-up, and Daniel needs to see them about their
22 drug screen --

23 A. Correct.

24 Q. -- to counsel them about their drug screen?

25 A. Right. That's right. Yes, sir.

EXAMINATION OF KRISTIE GUTGSELL

15

1 Q. Okay. This is not saying that this person is the only
2 person getting a drug screen this day?

3 A. Right. That's just talk to the patient about the drug
4 screen.

5 Q. And there's a number of people that come in, bloody
6 stool, no energy, felt real bad, a new patient. I guess,
7 this new PCP, is that primary care physician?

8 A. Yes, sir, that's what that means.

9 Q. Does that mean that Mr. Young is going to become the
10 PCP?

11 A. More than likely, yes, sir.

12 Q. Okay. They're in need of a primary care physician?

13 A. Correct. Yes, sir.

14 Q. Is it called primary care physician even if he's not a
15 physician? Is it just in the business you called it a PCP?

16 A. PCP, yes, sir.

17 Q. All right. It just means the person who is the
18 general person to kind of keep up with their health?

19 A. Correct. Yes, sir.

20 Q. Somebody has another follow-up, and it's also --
21 apparently, they had needed to have some more testing done
22 that day?

23 A. Yes, sir.

24 Q. Okay. One month follow-up and see Kristie for sleep
25 study?

EXAMINATION OF KRISTIE GUTGSELL

16

1 A. Correct.

2 Q. Who is Kristie?

3 A. That's me.

4 Q. And what are you doing with the sleep study?

5 A. Jeff had sleep study machines in his office, and it
6 was where we could show the patient how to use the machine so
7 they could bring it home with them to get a sleep study done.

8 Q. Okay. Is that a legitimate medical procedure?

9 A. It is, yes, sir.

10 Q. Okay. And it's kind of in the course and scope of
11 what a healthcare provider would provide for their patients?

12 A. Correct. Yes, sir.

13 Q. Thyroid panel, that's within the normal scope and
14 course of what a medical provider would provide for their
15 patients?

16 A. Well, what that thyroid panel draw means, that's a
17 blood test, so the phlebotomist would have drawn that panel,
18 yes, sir.

19 Q. But it's ordered, and somebody in the office does it,
20 and it's sent out --

21 A. Right.

22 Q. -- there's an analysis done, it comes back in, and
23 Jeff would read it and make medical decisions based on it?

24 A. Yes, you're correct.

25 Q. Did you have problems with Jeff -- Mr. Young, and his

EXAMINATION OF KRISTIE GUTGSELL

17

1 not wanting to fire people who had failed drug screens for
2 marijuana?

3 A. Ask me that again.

4 Q. Was there a problem with people would fail a drug
5 screen for marijuana and Jeff would unfire them?

6 A. Marijuana wasn't even on our drug screen.

7 Q. Okay. Y'all just didn't even test for that, did you?

8 A. No, sir.

9 Q. Can you test for it? I don't know.

10 A. I'm assuming you can, but he didn't have it on his
11 screening.

12 Q. Okay. Would it be fair to say he would not have been
13 concerned about it because he was a pro-marijuana advocate?

14 A. Correct.

15 Q. He felt that it was a -- it was just as good as
16 medical drugs, medical prescriptions for treating certain
17 symptoms?

18 A. That's what he believed, yes, sir.

19 Q. And since that time, many states have grown to accept
20 that as part of the medicine prescription regimen for people?
21 It's a dumb way of saying Mississippi and Arkansas have
22 medical marijuana?

23 A. I don't know that. I don't keep up with that.

24 Q. Okay. You talked about back-door patients?

25 A. Yes, sir.

EXAMINATION OF KRISTIE GUTGSELL

18

1 Q. Your concern about back-door patients was, you didn't
2 think they were being charted correctly or that they were
3 getting drugs they didn't need? What's the issue with back
4 door, the VIP back door? What's the concern there?

5 A. Okay. So back-door patients and VIP patients are two
6 totally different things.

7 Q. VIP, people paid extra to have more personal
8 connection to Jeff. He still would see them as patients.
9 The back-door were kind of like his special people?

10 A. Correct. Some of those patients didn't have charts at
11 all.

12 Q. Some of those people were including his attorney that
13 was handling his divorce at that time?

14 A. Yeah, he was actually a back-door patient as well.

15 Q. Mr. Donahoe would come and go and meet with Jeff
16 while -- and this was while Jeff was going through this
17 divorce with Dawn?

18 A. And get prescriptions and injections and shots as
19 well.

20 Q. Okay. Did Jeff ever receive -- as far as you know,
21 without maybe disclosing what the attorney-client
22 conversation was, was there -- during this time at the back
23 door that discussions were held about either Jeff's divorce
24 or whether or not the practice was being run correctly?

25 A. Was that talked about?

EXAMINATION OF KRISTIE GUTGSELL

19

1 Q. Yeah.

2 A. Yes, sir.

3 Q. Jeff was receiving legal advice at this time?

4 A. Jeff had friends that were attorneys as well, yes.

5 Q. And that would come to the back door?

6 A. Yes.

7 Q. And would see the -- be able to be inside the clinic
8 during this time?

9 A. Yes, sir.

10 Q. Okay. When you first started working there to the
11 time of the -- you and I call it -- the raid. The Government
12 called it the legally executed search warrant on the premises
13 of PREVENTAGENIX. The raid --

14 A. Yes, sir.

15 Q. -- did Jeff's behavior, I think you described it as,
16 spiralled?

17 A. It had spiralled.

18 Q. It had gone really bad?

19 A. It had, yes, sir.

20 Q. Did you see that -- did his interaction -- that's a
21 terrible way to ask that. Let me ask you a good question --

22 A. Okay.

23 Q. -- just a second to figure out how to ask you.

24 A. Yes, sir.

25 Q. Was some of it in relation to the divorce, the stress

EXAMINATION OF KRISTIE GUTGSELL

20

1 of his divorce?

2 A. It was, yes, sir.

3 Q. It was really bad, wasn't it?

4 A. It was terrible.

5 Q. I mean, they were going after each other?

6 A. Nonstop.

7 Q. Each of them were giving it as good as they were
8 getting it?

9 A. Yes, sir.

10 Q. On social media, in person, through third parties, it
11 got hard?

12 A. Yes, sir.

13 Q. It affected the job?

14 A. Yes, sir.

15 Q. It affected Jeff?

16 A. It did.

17 Q. It -- maybe use the word -- broke him?

18 A. I could say that too, yes, sir.

19 Q. It was ugly?

20 A. It was.

21 Q. Did you know Jeff before you started working with him
22 previously as a nurse practitioner?

23 A. I knew of him. I didn't know him on a friendly basis.

24 Q. You knew of his reputation within the community as a
25 good healthcare provider?

EXAMINATION OF KRISTIE GUTGSELL

21

1 A. No, not even so much that. He became very vocal as
2 his divorce, everybody saw him on Facebook.

3 Q. Jackson is small?

4 A. Small town, yes.

5 Q. It's a hundred thousand people, but it's a small town?

6 A. Everybody knows everybody, yes, sir.

7 Q. And there's this thing called Topics.

8 A. Uh, yes.

9 Q. We don't use Topics a lot in Shelby County. What is
10 Topics?

11 A. Topics was horrible. It's where you could post -- it
12 was online, and you could post anonymously. And you could
13 say whatever you wanted to say, and it was completely
14 anonymous. It didn't matter what was said.

15 Q. Everything as bad as Facebook and every other social
16 media is, this was an anonymous platform where people got
17 away with just slandering each other?

18 A. It was terrible. Yes, sir.

19 Q. And posting things they should not have been posting?

20 A. Correct.

21 Q. Pictures?

22 A. Correct.

23 Q. Health records?

24 A. I don't remember that, but it wouldn't surprise me.

25 Q. Okay. And Jeff kind of went to battle on that too,

EXAMINATION OF KRISTIE GUTGSELL

22

1 didn't he?

2 A. Yes. He posted on Topics as well.

3 Q. You talked about, I think it was Ben Elston or maybe
4 his dad being Jeff's bodyguard. Why would Jeff need a
5 bodyguard?

6 A. It's Ben Elston. His dad did come to the clinic as
7 well.

8 Q. Did he need a bodyguard, or was this just something in
9 Jeff's head that made him more popular and cool?

10 A. Probably the popularity. I didn't go out with him so
11 I don't know what threats he received when he was out. I
12 think maybe he felt more comfortable with a big guy beside
13 him.

14 Q. When we talk about haters, based on what you saw going
15 on and through social media, there was as much hate being
16 given as received. There were haters, were there not?

17 A. Yes, sir, there was.

18 Q. And as he's falling apart, as he's spiralling through
19 this divorce, did he begin to come into the clinic either
20 drinking or drunk?

21 A. That happened the entire time I worked for him.

22 Q. Did it get worse as you worked for him?

23 A. There were periods of time that were worse than
24 others. So things could be okay for a couple of weeks, and
25 then for a couple of weeks be horrible; and then be okay

EXAMINATION OF KRISTIE GUTGSELL

23

1 again for a couple of weeks and then be horrible again.

2 Q. He just kind of cycled in and out?

3 A. He did.

4 Q. Did he cycle in and out of this Doc Rock persona? Was
5 it something that kind of came and went too?

6 A. The whole time that I was around him, once that
7 started up, he kept that persona the whole time.

8 Q. He -- not only did he keep it, he tried to promote it?

9 A. He did, yes, sir.

10 Q. And I think you said even to the point of paying
11 people to come in and film --

12 A. -- a reality show, yes, sir.

13 Q. Was it called a pilot, trying to shop it around for
14 TV?

15 A. I think that's what it was, yes, sir.

16 Q. He thought a lot of himself, didn't he?

17 A. He did.

18 Q. And I think you said in his mind he didn't think he
19 was doing anything wrong?

20 A. Correct.

21 Q. I was looking at the text messaging between you and
22 Mr. Young when you were testifying when he was sitting there
23 with Dr. Alperovich?

24 A. Alperovich.

25 Q. Dr. Al?

EXAMINATION OF KRISTIE GUTGSELL

24

1 A. Dr. Al, yes, that's easier.

2 Q. Did I notice that it started, like, about 5 p.m. in
3 the afternoon and went to about one o'clock in the morning?

4 A. Mine and Jeff's text messages probably did.

5 Q. And that last one was, like, he's just leaving or I'm
6 just getting done or something?

7 A. I didn't look at the time, but if that's what it says,
8 it could have been that late.

9 Q. Because Dr. Al went through each file that was given
10 to him, and I think part of that Jeff told you was page by
11 page?

12 A. Correct. That's what he said, uh-huh.

13 Q. And did you get those files back?

14 A. They were there in the office. They never left the
15 office.

16 Q. Was there anything, during that review, that you're
17 aware of where there was an indication that something --
18 after Jeff talked to him, because in the text message it
19 says: I had to explain to him everything, I had to go
20 through the PMPs and explain my reasoning, explain my medical
21 diagnosis. Any of those files get flagged for not to do that
22 again?

23 A. Not that I'm aware of, no.

24 Q. It wasn't really a gracious way to fire you, was it?

25 A. Do what?

EXAMINATION OF KRISTIE GUTGSELL

25

1 Q. I said that wasn't a really gracious way to fire you.
2 Did he just fire you by text message?

3 A. No. He didn't fire me. I quit.

4 Q. That's right. You quit. And he told the people he
5 fired you.

6 A. Correct.

7 Q. Did he spit Vodka on you?

8 A. He did.

9 Q. And you testified he thought he was more qualified
10 than other doctors?

11 A. Yes.

12 Q. Did he think he was the smartest person in the room?

13 A. Yes.

14 Q. Did he think anyone could tell him how to practice
15 medicine?

16 A. No.

17 Q. Did he think the way he was practicing medicine was
18 the right way for him to practice medicine?

19 A. That's what he believed, yes, sir.

20 Q. Thank you.

21 MR. FERGUSON: That's all I have, Judge.

22 THE COURT: Thank you.

23 Any redirect?

24 MS. PAYERLE: Yes, Your Honor.

25

EXAMINATION OF KRISTIE GUTGSELL

26

1 REDIRECT EXAMINATION

2 BY MS. PAYERLE:

3 Q. I think Mr. Ferguson just asked you if Mr. Young
4 believed that he was infallible?

5 A. Correct. Yes, ma'am.

6 Q. And you said that in his own mind he believed he was?

7 A. Correct. Yes, ma'am.

8 Q. Did -- when the medical board asked Mr. Young to see
9 his files, how he was treating these patients, did he just
10 hand them over as they were in his clinic?

11 A. No, ma'am.

12 Q. What did he do?

13 A. He -- he went through the charts to make sure
14 documentation was done, and if it wasn't, he would do it.
15 And if the overseeing physician hadn't signed the chart, he
16 would stamp the name, the doctor's name.

17 Q. Is it fair to say that Mr. Young understood that he
18 needed to cover up what he was actually doing when the
19 medical board came to investigate?

20 MR. FERGUSON: I'm going to object to the form of
21 the question.

22 THE COURT: Sustain.

23 BY MS. PAYERLE:

24 Q. Did Mr. Young tell you why he was doing that?

25 A. Because there was a correct way to do it and a wrong

EXAMINATION OF KRISTIE GUTGSELL

27

1 way to do it.

2 Q. And had he done it the correct way?

3 A. No, ma'am.

4 Q. You talked a little bit about Topics, and I believe
5 you testified that it was anonymous?

6 A. Yes, ma'am.

7 Q. Did Mr. Young post anything about you on Topics?

8 A. He did, after I quit.

9 Q. And what did he say about you on Topics?

10 A. Talked about daddy issues, which I had privately told
11 him things about when I was growing up, and he let the whole
12 world know. And about my weight, all my insecurities.

13 Q. You were asked about his attitude toward marijuana and
14 whether he believed that it was good at treating illnesses;
15 do you remember that?

16 A. Yes, ma'am.

17 Q. Did Mr. Young, for as long as you knew him, ever tell
18 a patient, you know, you can just smoke marijuana instead of
19 taking all of these opioids I'm giving you?

20 A. Yes.

21 Q. And did he, nonetheless, continue to prescribe opioids
22 to patients?

23 A. He did. Yes, ma'am.

24 Q. I'm going to show you again Exhibit 8 and address
25 something that Mr. Ferguson went over here. Under

EXAMINATION OF KRISTIE GUTGSELL

28

1 appointment type, there's private insurance. There's UHCTN
2 care. Is that TennCare?

3 A. Yes, ma'am.

4 Q. Is that state Medicaid?

5 A. Yes, ma'am. So is BlueCare.

6 Q. And there's also BlueCare? So, for example, this
7 patient, Christina Powers, she's a BlueCare patient?

8 A. Correct.

9 Q. She's a Medicaid patient?

10 A. Correct.

11 Q. And she's there for controlled substances?

12 A. Yes, ma'am.

13 Q. And so that means Medicaid paid -- did Mr. Young bill
14 Medicaid?

15 A. He did. Yes, ma'am.

16 Q. And what about Medicare?

17 A. He billed them as well. Yes, ma'am.

18 Q. And so if a patient came in on a one-month follow-up,
19 for example, Medicare, Mr. Young would bill Medicare for that
20 patient's visit?

21 A. Correct. And also Amerigroup is TennCare as well.

22 Q. Amerigroup is TennCare as well, so anywhere it says
23 Amerigroup, BlueCare or TennCare --

24 A. Or Medicaid or Medicare, yes, ma'am --

25 Q. Jeff Young was billing Medicaid or Medicare for a

EXAMINATION OF KRISTIE GUTGSELL

29

1 patient visit for those controlled substance patients; is
2 that right?

3 A. Yes, ma'am.

4 Q. Just one moment, please.

5 A. Yes, ma'am.

6 MS. PAYERLE: That will be all for the
7 Government. Thank you.

8 THE COURT: All right. Thank you.

9 Recross?

10 MR. FERGUSON: No, thank you, Your Honor.
11 Appreciate it.

12 THE COURT: All right. And, Ms. Gutgsell --

13 THE WITNESS: Gutgsell.

14 THE COURT: I messed that up. I'm sorry. You
15 can step down. You're excused.

16 THE WITNESS: Thank you so much.

17 MS. PAYERLE: Your Honor, the Government would
18 release this witness from the subpoena if there's no
19 objection?

20 MR. FERGUSON: No.

21 THE COURT: Thank you.

22 Call your next witness, if you would, please.

23 MR. PENNEBAKER: Your Honor, the Government calls
24 Hope Rogers.

25 THE COURT: I'm sorry? Say it again.

1 MR. PENNEBAKER: Hope Rogers, Your Honor.

2 THE COURT: Okay. Oh, they're not down. Okay.

3 We're going to take a brief recess. I think you can tell the

4 next witness is in custody. Okay. They're not down yet, so

5 we're going to go ahead and excuse you to the jury room.

6 We'll call you back when the witness has arrived. Leave your

7 notebooks. Don't discuss. Take a few minutes in the jury

8 room.

9 (Jury out at 2:07 p.m.)

10 THE COURT: All right. We'll be in recess.

11 (A recess was taken from 2:07 p.m. to 2:13 p.m.)

12 THE COURT: Mr. Pennebaker, are you ready?

13 MR. PENNEBAKER: Yes, sir.

14 THE COURT: Okay. Bring in the jury, please.

15 (Jury in at 2:13 p.m.)

16 THE COURT: Okay. Folks, I think we're ready to

17 go ahead and proceed at this time with the witness.

18 You're already standing, so if you would please

19 face me and raise your right hand to receive the oath.

20

21

22

23

24

25

EXAMINATION OF HOPE ARMENT

31

1 **HOPE ARMENT,**

2 called as a witness on behalf of the Government, having been
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. PENNEBAKER:

6 Q. Good afternoon. Would you please introduce yourself
7 to the jury.

8 A. My name is Hope Arment.

9 Q. And did you previously go by another name?

10 A. Yes, Hope Rogers.

11 Q. Are you currently incarcerated, Ms. Rogers --
12 Ms. Arment, excuse me?

13 A. I am currently incarcerated. Yes, sir.

14 Q. And just tell the jury briefly why are you
15 incarcerated?

16 A. I had relapsed, and during my relapse, I had stolen
17 some vehicles. Eventually, all of that caught up to me, and
18 I've been incarcerated for the last four years.

19 Q. Are you in recovery today from drug addiction?

20 A. I am.

21 Q. Tell the jury what you were addicted to.

22 A. I was addicted to opioids and meth, and I have been
23 sober for a little bit over four years now.

24 Q. Okay. Do you know Jeff Young?

25 A. I do.

EXAMINATION OF HOPE ARMENT

32

1 Q. Do you see him in court today?

2 A. Yes.

3 Q. Would you identify him?

4 A. He's over there.

5 Q. By an article of his clothing.

6 A. Gray tie, goatee, beard.

7 Q. Got it.

8 MR. PENNEBAKER: If the record could reflect that
9 the witness has identified the defendant.

10 THE COURT: The record will reflect it.

11 BY MR. PENNEBAKER:

12 Q. How do you know Jeff Young?

13 A. He was my doctor.

14 Q. How did you come to be Jeff Young's patient?

15 A. I was going to a different doctor, Thomas McDonald,
16 and he took over the hospital in Lexington. So he was -- his
17 protege was taking over. I didn't like her bedside manner.
18 And my mother and I started looking for a different doctor.
19 My cousin then, Eddie Davis, told us about Jeff, that he was
20 a good doctor. He listened to what you had going on. And
21 that's the kind of person that me and my mom needed, so
22 that's where we went to. He also kind of let us know, you
23 know, you won't have any problems switching over your pain
24 management coming to him.

25 Q. Okay. A couple of follow-up questions about that, did

EXAMINATION OF HOPE ARMENT

33

1 you say your mother?

2 A. Yes, my mother.

3 Q. And did she also have addiction issues?

4 A. She still does, yes, sir. She's been off of them for
5 a while, but she got really bad on pills, yes.

6 Q. Okay. And you also mentioned that your cousin, Eddie,
7 told you that there was a doctor who would listen; is that
8 right?

9 A. Yes.

10 Q. And you said that you and your mom both needed that?

11 A. Yes. Because at my age with the health issues that I
12 had at the time and have now, it's actually hard to find
13 somebody to take you serious in the medical field. They
14 don't want to listen. So whenever, you know -- that's kind
15 of what you want is a doctor that's going to listen to you.

16 Q. And you were hopeful that that would be the case with
17 Mr. Young?

18 A. Yes. And it was.

19 Q. It was --

20 A. Yes.

21 Q. -- throughout your treatment?

22 A. No. At the beginning, it was. More towards the end,
23 we didn't really talk whenever I went in. I just kind of got
24 my medicine and left. But at the beginning, yes, he was very
25 attentive. I have carpal tunnel in both hands. He made sure

EXAMINATION OF HOPE ARMENT

34

1 that that was taken care of. We did injections in it, which
2 I will start back up whenever I get out of incarceration. I
3 haven't been able to do that. But, you know, he was
4 attentive to make sure that I was feeling better physically.
5 And at the time, I thought that my medicine was making me
6 feel better, but in reality, my medicine was actually making
7 me worse.

8 Q. Okay. And, Ms. Arment, I'm going to hand you a record
9 from your patient file. Do you recognize that?

10 A. Yes.

11 Q. Is that an information sheet you filled out when you
12 first went to PREVENTAGENIX?

13 A. Yeah.

14 MR. PENNEBAKER: Your Honor, what has been marked
15 for identification as Government's 419, just one page of it,
16 page 3. Well, actually, it's a front and back page. So
17 pages 3 and 4, which is an information sheet.

18 THE COURT: That was the intake form that you
19 filled out when you initially went to Mr. Young?

20 THE WITNESS: Yes, sir. It's like the one that
21 they give you as soon as you walk in the door.

22 THE COURT: All right. Thanks. We'll receive
23 it. That will be Exhibit 21.

24 MR. PENNEBAKER: Thank you, Your Honor.

25 (Exhibit 21 marked and received.)

EXAMINATION OF HOPE ARMENT

35

1 BY MR. PENNEBAKER:

2 Q. And if we could zoom in on the top third, please.

3 Ms. Arment, do you see the date on this document, the top
4 left-hand corner --

5 A. Yes.

6 Q. -- what does that say?

7 A. November 20, 2014.

8 Q. Is that consistent, in your memory, with when you
9 first went to see Mr. Young?

10 A. Yes, that would have been right after me and my
11 ex-fiance separated, and my tailbone had been broken. So,
12 yeah, that would have been in 2014.

13 Q. Okay. So this is -- when you go in to see him, this
14 is when he is actually listening to what you're saying?

15 A. Uh-huh, yes, sir.

16 Q. And that changed later?

17 Okay.

18 MR. PENNEBAKER: And you can go ahead and put
19 that down.

20 BY MR. PENNEBAKER:

21 Q. Throughout your time as a patient of Jeff Young's,
22 what all -- what kind of medication did he prescribe you?

23 A. I took Ambien, Lortab, 10-milligram, Percocet,
24 10-milligram, plain, 1-milligram Xanax and Seroquel.

25 Q. Okay.

EXAMINATION OF HOPE ARMENT

36

1 A. I can't think of the rest of them, but it would have
2 been, like, a seasonal thing, like, if I had sinuses or
3 something like that. But it wasn't very often that I had to
4 have that stuff.

5 Q. Did you ever get cough syrup with codeine?

6 A. Yeah, that would have been, like, a seasonal thing.
7 When my sinuses act up, I have a really bad bout with my
8 lungs and my chest. So, yes.

9 Q. Okay. Are you taking any of those medications today?

10 A. No, I'm not.

11 Q. Are you planning on trying to get back on them when
12 you get out?

13 A. No. I never will.

14 Q. And why is that?

15 A. Because I lost everything with this relapse, and -- I
16 mean, kids, home, freedom. At the end of the day, nothing is
17 worth that. And I can take care of my own body by eating
18 right and doing what I need to do, like vitamins and stuff.
19 I'm sorry. I'm so nervous.

20 Q. That's okay. You're doing fine. It's totally fine.
21 Take your time. And if you need me to clarify any questions
22 or ask something again, I can do that.

23 A. Okay. Sorry.

24 Q. Don't forget to breathe.

25 A. I'm trying to.

EXAMINATION OF HOPE ARMENT

37

1 Q. Yeah. You're doing good.

2 Okay. So does your family have a history of
3 addiction?

4 A. Yes. My grandmother and grandfather were both
5 alcoholics, my mother struggled with addiction my whole life,
6 and my brother and sister are both addicts.

7 Q. And did you tell Jeff Young about that history?

8 A. I can't recall, honestly, whether I talked about that
9 or not.

10 Q. Were you and Jeff Young Facebook friends?

11 A. We were Facebook friends. And on my Facebook, you
12 could see before the life that I led, and then you could see
13 clearly, I guess, when mine kind of took a turn by my posts
14 and stuff. But not everybody, I guess, pays really close
15 attention to that kind of stuff. So, I mean, we were
16 Facebook friends, though.

17 Q. And at the time that you started seeing Jeff Young,
18 did you identify as sober when you started to see him?

19 A. I came to him from another doctor, so I was already
20 getting prescriptions. But, I mean, I wasn't using, per se.
21 So, no, I don't think I'd say sober, but you would have been
22 able to look at me and tell I definitely was not on hard
23 drugs.

24 Q. So you said that the doctor treating you before Jeff
25 Young was named McDonald?

EXAMINATION OF HOPE ARMENT

38

1 A. Yes, Thomas McDonald. I actually went to pain
2 management through him and -- but it was different.

3 Q. How so?

4 A. Every month you got a pill count, you got random drug
5 tests. Like, he knew about my drug addiction. Like, he had
6 asked those questions because he kind of knew about my family
7 history, I guess. But he asked at the beginning before I
8 started the pain management: Do you have any problems with
9 addiction or have had in the past. I told him yes. So he
10 would actually, like, call me in for random drug tests and
11 things of that nature to keep me -- I guess, keep me
12 accountable.

13 Q. You had some accountability with Dr. McDonald?

14 A. Yeah.

15 Q. Did you have any kind of accountability like that with
16 Jeff Young?

17 A. He did do random drug tests when we would go into the
18 office. It wasn't like Dr. McDonald. Starting out it wasn't
19 every month, but then eventually, he did start doing it every
20 month.

21 Q. And I'm glad you mentioned the drug tests because do
22 you remember how you did on those?

23 A. Well, typically, I passed them because, normally, I
24 was not taking the drug tests correctly. Either I was having
25 someone to pee for me and carrying it in, or I was adding the

EXAMINATION OF HOPE ARMENT

39

1 medicine in the bathroom. So --

2 Q. You add the medicine in the bathroom, would you tell
3 the jury a little bit more about what you --

4 A. Crush up a piece of the pill and put it in the
5 medicine, which later when they changed their drug tests, it
6 did show that my medicine was not metabolized in my system.

7 Q. So it came back as an aberrant drug test, a failed
8 drug test?

9 A. Yes. That would have been, like, I had my daughter in
10 September. That would have been probably late 2015. I had
11 her in August. I'm sorry. I don't know where I got
12 September. I had her in August. And it would have been
13 probably, like, late that year that that happened.

14 Q. And I want to get back to your daughter in a minute.
15 Just one follow-up question about that. When that aberrant
16 drug test happened, you're saying that the drug test didn't
17 show the metabolites, which you got flagged for, by the
18 company that was doing the test?

19 A. Right. And Daniel, the nurse, called me into the
20 room, told me that they could no longer see me, and I flipped
21 and was, like, no, you get Jeff in here. This was complete
22 crap. And Jeff came in and looked at it and just told him to
23 put me in a room. And then I didn't hear anything else about
24 those drug tests.

25 Q. Okay. So -- and you got to keep seeing Jeff Young

EXAMINATION OF HOPE ARMENT

40

1 even after that --

2 A. Yeah. Because that would have been the end of 2015,
3 and I was there up until he was served. So that was the
4 following year.

5 Q. Okay. One last question about Dr. McDonald versus
6 Jeff Young: With Dr. McDonald, were you taking the
7 medication that you were being prescribed as it was supposed
8 to be taken according to the prescription?

9 A. I was. I was taking my medicine like it was supposed
10 to be because I knew that he was going to count them; and so,
11 therefore, I didn't get carried away with it.

12 Whereas, there at the end, I was literally having to
13 roll over and grab three pills off of my night stand to get
14 out of bed every day.

15 Q. And at the end, you mean when you were being treated
16 by Mr. Young?

17 A. Yes, sir.

18 Q. Okay. I want to shift gears a little bit. You
19 mentioned your daughter. What is her name?

20 A. A.A.

21 Q. Okay. A.A. so when did you find out that you were
22 pregnant with A.?

23 A. I found out I was pregnant with A., it would have been
24 January or February of 2015 because I did not find out I was
25 pregnant with her until after my first trimester.

EXAMINATION OF HOPE ARMENT

41

1 Q. Okay. Now, by this time, you're under Jeff Young's
2 care?

3 A. I am.

4 Q. Had you become active in your addiction again by this
5 time?

6 A. By that time, I was -- my dosage had went up on my
7 pills. My amount had went up on my pills, and I had a little
8 bit more freedom with them. So, yes, I would definitely say
9 that my addiction was active at that time.

10 Q. Okay. And what outward signs of active addiction were
11 you exhibiting at that time?

12 A. Well, I mean, I pretty much didn't want to function
13 during the day without having my medicine, and I would just
14 blame it on the aches and pains of the ailments that I have.
15 But hindsight is 20/20. That was actually me -- like, there
16 was times at the end of the month that I was physically going
17 through withdrawals, and it was almost every month that I
18 dealt with that.

19 Q. Okay. And I'm going to ask you a few more questions,
20 but before I do that, would you take a look at these? Are
21 those prescriptions that the defendant wrote you over the
22 course of your treatment? And take your time.

23 A. Yes, these are the first ones. These are the first
24 ones -- or the second ones, because the first ones would have
25 been in November. Yeah. Because he hasn't gone up on them

EXAMINATION OF HOPE ARMENT

42

1 yet.

2 MR. PENNEBAKER: So this is going to be a
3 compilation exhibit from what's been marked as Government's
4 419, a couple of pages out of Government's 419 that I'll read
5 off as I get to them, Your Honor. And then there are
6 prescriptions in what's been marked Government's 500, the 500
7 series. And so this is a compilation of those prescriptions
8 to Ms. Arment in chronological order, probably about 20, 25
9 pages. And I'd offer this in evidence at this time, Judge.

10 THE WITNESS: Okay. I was fixing to say it
11 doesn't look right because the milligrams are wrong, but then
12 the milligrams change right here.

13 THE COURT: Can you identify those as scripts
14 that were given to you?

15 THE WITNESS: Yes, sir.

16 THE COURT: Let's go ahead and receive it. It
17 will be Exhibit No. 22. How many pages was it?

18 MR. PENNEBAKER: I'm estimating here, Judge. I'd
19 say it's about 20, maybe 25.

20 THE COURT: Okay.

21 (Exhibit 22 marked and received.)

22 BY MR. PENNEBAKER:

23 Q. Ms. Arment, when you found out that you were pregnant
24 with A., did you go see an obstetrician?

25 A. I did. I went and saw Dr. Armie Walker in Jackson,

EXAMINATION OF HOPE ARMENT

43

1 Tennessee, who also referred me to Dr. Hoeldke, who is a
2 high-risk doctor. And I continued going to Jeff for my pain
3 management. So all three of them were actually over me
4 during my time -- during my pregnancy.

5 Q. Did you tell Jeff Young that you were pregnant with
6 A.?

7 A. Yes.

8 Q. How soon after you found out?

9 A. I told Jeff the first time that I went whenever I
10 found out, which would have been, like, Februaryish. I'm not
11 real sure. 2015.

12 Q. Okay. And did Jeff Young ever tell you about the
13 risks of being on opioids while you were pregnant?

14 A. I don't recall having a conversation about that. I,
15 actually, sitting here before you, don't know the risks of
16 what it does to a fetus to be addicted to opioids or Xanax.

17 Q. Okay.

18 A. I still don't know what those risks are.

19 Q. And that was going to be my next question: Did Jeff
20 Young tell you what the risks to the fetus of taking Xanax
21 were?

22 A. No. But I'm not a hundred percent positive, but I'm
23 really close to it that A. didn't have Xanax in her system
24 when she was born because I wasn't taking my Xanax.

25 Q. Okay. And have you ever had a conversation with

EXAMINATION OF HOPE ARMENT

44

1 either of the other providers at any time about what the
2 risks were even if you don't remember what they said now?

3 A. I don't recall. I know Dr. Hoeldke was telling me
4 that he wanted me to kind of branch out and look into going
5 to see, like, my GI doctor and stuff. And in my mind, I was,
6 like, that's not going to help my situation because I'm
7 pregnant. You can't put me to sleep to do a colonoscopy, and
8 I just talked myself out of that one.

9 Q. Okay. And so you went to Dr. Hoeldke with stomach
10 issues while you were pregnant; is that the deal?

11 A. Yes. I was sick. I was really sick. I couldn't hold
12 anything down, and I was there for my monthly checkup, and I
13 was throwing up. I had diarrhea. I was super sick, and I
14 couldn't understand why. And so Dr. Hoeldke told me I was
15 going to have to go to the emergency room. And I was, like,
16 I'm not going down there to sit for hours in the emergency
17 room. I have an appointment at my doctor's office after
18 this, so I went to the doctor, and I told Jeff what was going
19 on. And he gave me a shot of Phenergan in the office and a
20 little -- a script of Phenergan to take home with me to keep
21 me from throwing up. And then I got my regular prescription
22 for my medicines.

23 Q. So looking back on it now, like you said, 20/20
24 hindsight, do you think you had something that was wrong with
25 your digestive tract, or was it something else?

EXAMINATION OF HOPE ARMENT

45

1 A. No. I think I was having withdrawals because I had
2 been out of my medicine for about a week. And, like I said
3 just a minute ago, unfortunately, there for a long while it
4 was about every month that I was feeling like that. And I
5 really never had been through withdrawals, so I didn't really
6 know what they were.

7 Q. Okay. So if we could go to 509.0005, please. And
8 this is -- that's what it says at the bottom of the page.
9 This is Government's 22. This is the one we just entered.
10 So this is Government's 22. I'm not sure which page of 22
11 for the record, but it does say 509.0005 at the bottom.

12 So this is a prescription that you received from the
13 defendant?

14 A. Yes, sir.

15 THE COURT: Could you blow that up a little,
16 please? Much better. Thank you.

17 BY MR. PENNEBAKER:

18 Q. So this is on March 5, 2015. So this is about a month
19 after you found out -- or after you found out, slash, told
20 Jeff Young you were pregnant?

21 A. Yes, sir.

22 Q. Now, is that Percocet, number 90, is that supposed to
23 be a 30-day supply?

24 A. That is a 30-day supply, yeah.

25 Q. Okay. So if we could now go to 500 -- same exhibit,

EXAMINATION OF HOPE ARMENT

46

1 at the bottom of the page, it says 500.0009. So this is --
2 that last one we saw was March 5 of 2015, correct?

3 A. Yes.

4 Q. This is March 25 of 2015, correct?

5 A. It is.

6 Q. So that's 20 days later?

7 A. Right.

8 Q. And you're getting a prescription for a different
9 opioid medication. This time it's hydrocodone, correct?

10 A. Yes, sir.

11 Q. And that's the number 90?

12 A. Yes, sir. It's another 30-day supply.

13 Q. Okay. And is this the consult where Dr. Hoeldke had
14 suggested that you go either to the hospital, see the GI
15 specialist, and you were going through withdrawal?

16 A. I have no idea. No, I don't know --

17 Q. It has been a bit --

18 A. -- it had to have been around in there because that
19 happened pretty quick. Like -- I was, like, six months --
20 five or six months pregnant whenever that happened, that
21 episode. But -- yeah.

22 Q. Okay. I know it's been a long time.

23 A. It has been.

24 Q. But this is before that 30-day period you're getting
25 another prescription for a different opioid?

EXAMINATION OF HOPE ARMENT

47

1 A. Yes, sir.

2 Q. Is it fair to say that when you get this prescription
3 or March 25, 2015, you needed the prescription to avoid
4 withdrawals?

5 A. I would say so, but I don't know if it was filled at
6 that time.

7 Q. Okay.

8 A. I can't speak on that exactly because I'm not sure.
9 Sometimes I would get my prescription a little early, but I
10 wouldn't fill it until it was time to get it filled.

11 Q. Okay.

12 A. But I can't tell by this whether they filled it or
13 not.

14 Q. Okay. Looking back, did you need this prescription at
15 the time other than to avoid withdrawals?

16 A. I mean, I had pregnant woman aches and pains, the
17 normal stuff, stuff that I should have been enjoying and
18 remembering and holding on to.

19 Q. So prescribing -- or the maintenance on these pain
20 meds for that kind of stuff deprived you of that part of your
21 pregnancy?

22 A. Yeah.

23 MR. PENNEBAKER: Ms. Silverberg, if we could go
24 to 503.001 for the record, it's the same Exhibit 22. That's
25 marked at the bottom. Maybe it's 0001 -- 503.0001. That's

EXAMINATION OF HOPE ARMENT

48

1 what it says on the bottom.

2 BY MR. PENNEBAKER:

3 Q. All right. Ms. Arment, do you see the prescription up
4 there at the top?

5 A. Yes, sir.

6 Q. And it's April 23, 2015?

7 A. Uh-huh, yes, sir.

8 Q. Lortab, 120 count. So the -- looks like 7.5 over 325.
9 Do you know what that means?

10 A. 7.5-milligram hydrocodone and 325 milligrams of
11 TYLENOL\acetaminophen.

12 Q. So is it fair to say that's the same strength of
13 hydrocodone as the last prescription, with upping the number
14 of them to 120?

15 A. Yeah. It went from three times a day to four times a
16 day.

17 Q. Okay. Do you recognize the signature at the bottom of
18 that prescription?

19 A. Yes, sir.

20 Q. And whose is that?

21 A. Jeff Young's.

22 Q. So at this time, did you need that medication for
23 anything other than to avoid withdrawal?

24 A. Like I said, normal aches and pains of being a
25 pregnant woman. In my mind -- I don't know. Like, I know

EXAMINATION OF HOPE ARMENT

49

1 now that the brain, when you are going through withdrawals,
2 it kind of fires off sensory to make you feel like you're in
3 a lot more pain than what you're actually in. And I feel
4 like that's what I was going through.

5 Q. Do you think that if a care provider you had been
6 seeing had said, I'll wean you off of this, you would have
7 said: No, I'm not going to do that?

8 A. I would have probably tried to fight it because I felt
9 like I had to have it. But, I mean, if it was someone that I
10 listened to and someone that I considered like a friend,
11 then, yeah, I probably would have.

12 Q. Someone like Jeff Young?

13 A. Yeah.

14 Q. But that never happened, did it?

15 A. No. I had a run-in -- he had gotten really busy. I
16 got tired of waiting in the lobby so long. And I had been
17 going there for a long time so it -- I went to a different
18 doctor. And when I had the accident where I got the DUI with
19 my daughter in the car, she actually stopped seeing me and
20 offered me rehab on the spot. But, I mean, I didn't really
21 know her like that, and I had just started going to her so I
22 didn't have a relationship established where I felt
23 comfortable with her saying that to me. So I actually left
24 and went back to Jeff.

25 Q. And that's later. This is after A. was born, correct?

EXAMINATION OF HOPE ARMENT

50

1 A. Yes.

2 Q. Okay. So if we can, please -- well, actually -- we
3 can switch on back, and that's 503.0001. I just want to go
4 back there for one second. If we can go to the bottom
5 prescription, please.

6 A. This is the -- this is the one where I went to Jeff,
7 and I was sick that day. It was not in 3/25. It was 4/23.

8 Q. Got you. So 4/23 you would have been sick this day?

9 A. Yes.

10 Q. And so you get Phenergan in that bottom prescription.
11 We just talked about the 120 Lortab, which is hydrocodone.
12 Up at the top, right underneath RX, it says Xanax,
13 1 milligram?

14 A. Yes, sir.

15 MR. PENNEBAKER: Okay. If we can, let's go to
16 Government's 22. At the bottom it's marked 504.0002.

17 BY MR. PENNEBAKER:

18 Q. What's the date on that prescription?

19 A. 5/20.

20 Q. So that's May 20th of 2015, Lortab 7.5/325, number
21 120, right?

22 A. Yes, sir.

23 Q. And at this time, you were still pregnant with A.?

24 A. Yes, sir.

25 Q. And the defendant knows this?

EXAMINATION OF HOPE ARMENT

51

1 MR. PENNEBAKER: Underneath, if we can go to that
2 second prescription, please.

3 BY MR. PENNEBAKER:

4 Q. We've got the same date, a prescription for Xanax,
5 another 90 of those, correct?

6 A. Yes, sir.

7 Q. Okay.

8 MR. PENNEBAKER: And then if we can go to
9 505.0001, still Government's 22.

10 BY MR. PENNEBAKER:

11 Q. Is that a prescription for Lortab 120 again, June 19,
12 2015?

13 A. Yes, sir.

14 Q. And you're still pregnant at this time?

15 A. Yes, sir.

16 MR. PENNEBAKER: If we can, please, go to
17 Government's 506.0001, and this is still Exhibit 22.

18 THE WITNESS: Yes.

19 BY MR. PENNEBAKER:

20 Q. Now this is a -- it looks like a different
21 handwriting?

22 A. It is.

23 Q. What -- can you -- let the jury know what's going on
24 in this prescription?

25 A. Okay. That was the lady that worked for him downtown,

EXAMINATION OF HOPE ARMENT

52

1 Petway or whatever her name is. I went to her because Jeff
2 was busy, and I couldn't get in. So I went downtown, and she
3 did not want to write me my medicine, and we had it out in
4 the office. And she just told me she wasn't comfortable
5 writing me medicine, and I told her to call Jeff because this
6 prescription was actually supposed to be for when I got ready
7 to have my baby. And I needed the medicine because I was
8 having surgery. I was actually having a surgical procedure
9 done.

10 So she called -- I guess she called Jeff, and she
11 wrote it, but there was something wrong with it. This looks
12 right, but there's something wrong with it. Something got
13 changed. I can't remember if it was the quantity or what
14 because I had sent Jeff a message on Messenger and told him
15 that I needed to come and see him because she had messed
16 something up on my prescription.

17 Q. Okay. And for all of those prescriptions that we just
18 saw, that we haven't already talked about, same question:
19 Are those prescriptions that you needed for anything other
20 than to avoid withdrawal?

21 A. I mean, I function every day. I'm actually a welder
22 for Kubota, and I use my hands every day. And I don't take
23 any narcotic pain medicine. I don't take hardly even any
24 ibuprofen, actually.

25 Q. And has anything about your condition changed? Like,

EXAMINATION OF HOPE ARMENT

53

1 were you worse off back then? Did you have some crippling
2 ailment that you don't have now or anything like that?

3 A. No. I actually am worse now than I was then. It's
4 harder to use my hands now because I'm not getting the
5 treatment that I need, but I get up every morning at four
6 o'clock in the morning and go and do a 12-hour shift, and I
7 function as a normal, functioning human being.

8 Q. Okay. I'm going to hand you two pages of text
9 messages between you and Jeff Young or Facebook messages
10 between you and Jeff Young. I just want to make sure you
11 recognize it.

12 A. Yes, I recognize them.

13 Q. Okay.

14 MR. PENNEBAKER: Your Honor, we offer these two
15 pages as Government's -- well as Exhibit 23.

16 THE COURT: Okay. We'll go ahead and receive it
17 as Exhibit 23.

18 (Exhibit 23 marked and received.)

19 BY MR. PENNEBAKER:

20 Q. And if we could zoom in on that bottom one, actually.
21 So this is the -- this is in July, 2015, and this is
22 before -- it was about a month before you had A., correct?

23 A. Yes. It was exactly almost a month before I had A.

24 Q. Okay. And you say to the defendant: Can this OB call
25 you. I'm being discharged from the hospital, and she needs

EXAMINATION OF HOPE ARMENT

54

1 your permission to write any of the Tramadol for the
2 breakthrough pain. I have nothing to fall back on at home
3 and don't see you until the 17th. I asked her to contact you
4 about it because of my contract.

5 What did you mean by that?

6 A. Because at that point, there had been a contract given
7 to us saying that we would adhere to the pain management
8 contract. We would not have anybody writing us prescriptions
9 besides him. We would not fail our drug tests. That sort of
10 thing.

11 Q. Was one of the terms of the pain contract that you
12 would only use the medications as prescribed?

13 A. Yes, that was one of them.

14 MR. PENNEBAKER: So if we could go back,
15 Ms. Silverberg, to 505.0001.

16 BY MR. PENNEBAKER:

17 Q. That message we were just looking at, it says that was
18 on July 5?

19 A. Uh-huh.

20 Q. And this prescription was written on June 19, correct?

21 A. Right.

22 Q. So you have 120 Lortab that are -- that have been
23 written for you on this prescription, and is it fair to say
24 that you were out of this prescription by the time you went
25 into the hospital because you had nothing to fall back on?

EXAMINATION OF HOPE ARMENT

55

1 A. Yes, sir. But I didn't take all of those pills.

2 Q. Okay. Do you want to tell the jury what you mean by
3 that?

4 A. I don't want to get in trouble. I was selling some of
5 my pills especially when I was pregnant because I wasn't
6 taking all of them, especially the Xanaxes. But the Lortabs,
7 I would keep quite a few of those to sustain me. However, I
8 would sell a lot of them, and then by the end of the month, I
9 was having to buy off the street to sustain me to get me by
10 until I got my prescription again.

11 Q. Or you would go through withdrawal?

12 A. Or I would go through withdrawal.

13 MR. PENNEBAKER: Ms. Silverberg, can we go back
14 to the exhibit we were just looking at, 23, and the top of
15 the second page, please.

16 BY MR. PENNEBAKER:

17 Q. And you say here, and this is August 1, 2015, a few
18 days before you have A., correct?

19 A. Yes.

20 Q. Don't have any other way to ask you this, but when I
21 asked you if you would come to the hospital when I have the
22 baby, not just to see us but also to take care of making sure
23 I have my meds when I leave, is that a possibility, or do I
24 need to move my appointment up to before the 14th to make
25 sure when I have them -- or I can have them when I come home.

EXAMINATION OF HOPE ARMENT

56

1 And then you say: Trying to get my birth plan in
2 action. I do want you to come see her when she's born.
3 You've taken awesome care of me through this whole process,
4 and I consider you not only my doctor but also my -- and it
5 cuts off but that looks like that's --

6 A. -- friend.

7 Q. -- friend?

8 A. It's abbreviation for friend.

9 Q. Okay. So you're getting ready to have this child, and
10 you're contacting Jeff Young. What are you worried about?

11 A. Not having my medicine.

12 Q. Do you know at this point how much pain you're going
13 to be in, or is this just you anticipating -- you just don't
14 want to be stuck in the hospital kicking --

15 A. Yeah. I knew I was having the procedure. I knew what
16 a similar procedure felt like, and it was not comfortable,
17 and I was not willing to be in that much pain.

18 Q. Okay.

19 MR. PENNEBAKER: And you can take that down,
20 Ms. Silverberg. Thank you.

21 BY MR. PENNEBAKER:

22 Q. I think you mentioned that you were experiencing
23 withdrawals even with the medication that Jeff Young was
24 prescribing you?

25 A. Yes.

EXAMINATION OF HOPE ARMENT

57

1 Q. Can you tell the jury what it felt like to be pregnant
2 and having withdrawals?

3 A. It was awful. I was a high-risk pregnancy, and, like,
4 my tailbone had recently been broken. And every time she
5 shifted, it would kind of make it crack a little bit more.
6 The withdrawals made the pain that I was going through a lot
7 more unbearable. I was sick, throwing up sick. As you know,
8 being pregnant, you're already sick, but I was projectile
9 puking, like, hardly able to get to the toilet in time before
10 I would -- yeah. I couldn't work. It was bad.

11 Q. How much did you weigh in your pregnancy? Do you
12 remember?

13 A. I don't, but I know it wasn't a lot. I want to say I
14 weighed about what I weigh now when I had her.

15 Q. Okay. When was A. born?

16 A. She was born on August the 10th.

17 Q. 2015?

18 A. Uh-huh.

19 Q. Was she born with opioids in her system?

20 A. She was.

21 Q. Did she have to spend time in the NICU?

22 A. Yes.

23 Q. Did you ever talk to Jeff Young about that?

24 A. Sure. I told him after I got out that she was in the
25 NICU for two weeks. She wasn't in there the whole time for

EXAMINATION OF HOPE ARMENT

58

1 opioids, though. She was in there because she had MRSA that
2 she contracted that because she had opioids in her system and
3 had to be put in the NICU. She got it from the NICU.

4 Q. How is she doing today?

5 A. She's wonderful.

6 Q. Okay. So Jeff never tried to -- Jeff Young never
7 tried to warn you -- wean you off before A. was born?

8 A. No, he didn't, and neither did my OB or Hoeldke.

9 Q. Who was prescribing those?

10 A. Jeff Young.

11 Q. Okay. And do you know whether either of those other
12 providers talked to him or tried to --

13 A. You know, I don't know because Dr. Walker really has
14 been involved in my family. She -- like, she has worked on
15 my mom, my sister. And I would think that if anybody would
16 have made contact, it would have been them two making
17 contact. But, honestly, I don't think any of my doctors made
18 contact with each other.

19 Q. Okay. But you don't know one way or the other?

20 A. I don't.

21 Q. Okay.

22 A. I can't say for sure.

23 Q. I think you mentioned earlier that when you were
24 failing drug tests that -- you know, crushing up pills to try
25 to have that in your system, that that was after A. was born?

EXAMINATION OF HOPE ARMENT

59

1 A. No. That was while I was pregnant with A.

2 Q. And after?

3 A. And after.

4 Q. Okay.

5 A. The failed drug tests that were shown to me were from
6 April of 2015, and that would have been during the time that
7 I was pregnant with A. I think it was April, May, June and
8 July, as a matter of fact. It was four months of them.

9 Q. Okay.

10 A. And -- yeah.

11 Q. And when you say that was shown, Jeff Young never
12 showed you those drug tests?

13 A. No. There were other people that got fired from
14 getting -- I mean, it was going on all over Tennessee. But,
15 like, we would go in and wait in the waiting room, and then
16 Daniel would call you back, like, you were getting triaged.
17 And he would tell you that this is what happened and then
18 have you sign some paperwork.

19 Q. Got it. Got it. And you mentioned that you
20 eventually quit seeing the defendant, and I think you said
21 that it was getting too busy in the waiting room?

22 A. Yeah, it was. Like, me and my mom, we had been going
23 to Jeff for a long time. We referred a lot of people to Jeff
24 over the course of the time that we had been going there. We
25 kind of built a rapport with him. He felt like a friend.

EXAMINATION OF HOPE ARMENT

60

1 But there towards the end, it was like we were just a number
2 in a waiting room. And so it got way too busy. There was
3 too much.

4 Q. What did it look like in the waiting room? What was
5 it like in there?

6 A. Like, I would be there sitting for hours, and there
7 was this new VIP special going on where people could pay cash
8 and come in through the side door and be seen immediately and
9 then leave, and then leave all of us that have been sitting
10 in the waiting room still sitting there for hours. And it
11 would be elbow to elbow in the waiting room.

12 Q. Okay. Did you ever tell Jeff Young that you were
13 abusing drugs?

14 A. No.

15 Q. Did you signal to him that you were in other ways?

16 A. No. But if you look at my Facebook page, you, as a
17 person from the outside, would be able to see the
18 deterioration in me over -- like, from the time I had A.
19 until my children were taken away, I withered away to
20 nothing.

21 Q. And it was while you were under the care of Jeff
22 Young?

23 A. Right. And that was before I relapsed on meth. This
24 was completely opioid based. And if I didn't have my
25 medicine, I freaked out.

EXAMINATION OF HOPE ARMENT

61

1 Q. I actually want to ask you about it because you said
2 "relapsed on meth." Were you taking meth when you were
3 seeing Jeff Young as a patient?

4 A. No. No. I wouldn't because whenever I started seeing
5 Jeff, he explained, he was, like, you're getting drug tests.
6 Weed is not that big of a deal, but don't have nothing else
7 in your system. And you better have your meds in your
8 system, but don't have nothing else in your system. And I
9 never did. Like, I legit didn't.

10 And then I had left his practice and was going to the
11 other doctor, and I don't really know. Just one day I was
12 tired. I didn't have any pain pills, and I didn't go see her
13 for a couple of weeks so I got high. And I was off to the
14 races. I got a DUI with my daughter in the back seat and
15 lost my children. Meredith stopped giving me my medicine. I
16 went to Quinco to try to get my medicine. They wouldn't give
17 me my medicine.

18 So I went to Jeff, and he actually wrote my medicine,
19 but then I couldn't get it filled. So I busted in his office
20 one night after work because I was, like, oh, my God, my
21 medicine. Looking back it's so petty the way that I was, but
22 I was really that strung out on them that I really needed
23 them. And I didn't want to keep using meth. So I felt like
24 if I had the other one, then I wouldn't need that one. And
25 it's just been a disaster.

EXAMINATION OF HOPE ARMENT

62

1 Q. So when he wrote you that prescription when you -- so
2 just to make sure I got those events right. So you are
3 seeing Jeff Young. You leave that practice. You go -- you
4 start to see Meredith. Meredith Weeks is the name of the
5 other practitioner. And then after you get a DUI, did you
6 tell Weeks about this, or did she find out somehow?

7 A. Weeks is from my hometown. She found out about it,
8 but not just that. My posts on Facebook were livid. I was
9 literally having a nervous breakdown and everybody around me
10 knew that I was losing it. Like, I was losing it. I sat in
11 the middle of my living room floor with my kids' stuff around
12 me for two weeks. I didn't eat. I didn't sleep, nothing.
13 Complete nervous breakdown.

14 Q. When you went back to Jeff after that and he wrote you
15 the prescription --

16 MR. PENNEBAKER: If we can call up Government's
17 419. Well, this is going to be Exhibit 22, but it's page
18 419.0125.

19 BY MR. PENNEBAKER:

20 Q. Would that have been the date?

21 A. Give me just a second. I lost my kids on 10/18. This
22 prescription, I feel like, would have been November.
23 Maybe -- maybe December. But I'm thinking --

24 Q. So you come into his office after hours freaking out,
25 and then after that happens, he still writes you -- looks

EXAMINATION OF HOPE ARMENT

63

1 like Depakote and this one has Xanax -- and if we can go to
2 the --

3 A. No, sir.

4 Q. Oh.

5 A. I came into his office that day, and he had written
6 one of them that day. And I couldn't get it filled because
7 another provider the month before had written it for four
8 times a day, but it was actually not enough to even get me
9 through two weeks. And so he wrote the other prescription so
10 that maybe the insurance would approve it because it wouldn't
11 approve the other one. And he told me that I would not be
12 able to get my oxycodone filled until the 30 days was up.
13 Thirty days didn't happen because I'm pretty sure, like, a
14 day or two after that is when they came in on him.

15 Q. That's when there was a search warrant at
16 PREVENTAGENIX, and it closed down?

17 A. Yes. And then no pharmacy would touch that
18 prescription.

19 Q. Okay. So you mentioned that there were a lot of
20 consequences from the spiral that happened after you started
21 seeing Jeff Young, correct?

22 A. Yes, sir.

23 Q. And what happened with your kids?

24 A. They were removed from my custody. One of them got
25 adopted. She's 21 now. The other two live with their dads.

EXAMINATION OF HOPE ARMENT

64

1 Q. Okay. And you've been incarcerated. Are you close to
2 getting out?

3 A. I am. Whenever I get back to Georgia, I'll be within
4 ten days of freedom.

5 Q. Are you planning to do things differently when you get
6 out?

7 A. I am. I completed welding school at Northwest Georgia
8 Tech. So I'm a certified welder across the United States.
9 I'm going to continue that career. I'm going to get my kids
10 back as soon as I get out. I'm going to get a hair and nail
11 follicle test because they can test me from root to end. I'm
12 clean. I have been clean for over four years. I'm -- I'm
13 ready to live my life.

14 Q. Were you optimistic about the future as the
15 defendant's patient?

16 A. I mean, I didn't really know what the next day held.

17 Q. Are you optimistic --

18 A. Do you know what I mean?

19 Q. Yeah. But I wanted to just contrast, are you
20 optimistic about the future today?

21 A. Yeah, nothing can hold me back. I have certifications
22 and everything from forklifting to welding. I've done
23 everything that the state will offer an inmate, and I'm just
24 ready to get out there. I'm married and ready to be a wife
25 and mom and do normal stuff.

EXAMINATION OF HOPE ARMENT

65

1 Q. Awesome.

2 MR. PENNEBAKER: Pass the witness.

3 THE COURT: Thank you.

4 Mr. Ferguson, cross?

5 MR. FERGUSON: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. FERGUSON:

8 Q. Good afternoon, Ms. Arment.

9 A. Arment.

10 Q. Arment?

11 A. Yes, sir.

12 Q. I'll try to get that correct. I promise you I will
13 mess it up, and it's not a slight to you. It's reflective of
14 me.

15 A. You are not the only one, I assure you.

16 Q. Thank you. I'll try real hard.

17 One of the things I didn't understand -- two things.
18 When you came to see Jeff Young, what was your medical
19 conditions? What were the problems?

20 A. Okay. I have Crohn's disease. I have ulcerative
21 colitis. I have a fractured tailbone that has never repaired
22 itself properly. My lower back is messed up from spinal taps
23 from having children, and I have carpal tunnel in both hands.

24 Q. Is that fair to say all of that is fairly painful?

25 A. It is.

EXAMINATION OF HOPE ARMENT

66

1 Q. And is that why you were being seen by a pain
2 specialist before you came to Mr. Young?

3 A. Yes, sir. My ex-fiance had actually just broken my
4 tailbone when I started going to see Dr. Thomas McDonald, and
5 that's why I started was because I needed to continue care
6 besides an emergency room doctor.

7 Q. Okay. Was it the broken tailbone that started you
8 into the pain management side of the medicine?

9 A. It was that and my Crohn's.

10 Q. Okay. The tailbone injury, was -- I'm not trying to
11 pry, but was that like a fight, traumatic injury or something
12 of that nature?

13 A. Yes, sir, he picked me up and threw me.

14 Q. Okay. Sorry about that.

15 A. Oh, it's okay.

16 Q. When you left -- why did you leave the pain management
17 specialist?

18 A. Dr. McDonald took over the hospital in Lexington, and
19 his coworker was taking over, and I didn't really like her.
20 She wasn't very nice.

21 Q. Did you know her? I mean, had you been around her
22 before or would you have just seen her once?

23 A. I had been around her for about six or eight months
24 working with him when he wasn't there, and I didn't like her
25 demeanor or bedside manner. She was kind of rude.

EXAMINATION OF HOPE ARMENT

67

1 Q. How long did you see this doctor, pain specialist?

2 A. Dr. McDonald, I saw him for, like, two years.

3 Q. And had you seen anyone before him for your pain
4 management?

5 A. No, sir.

6 Q. Had you been prescribed any other medication for pain
7 before him?

8 A. Just as needed.

9 Q. What do you mean by that?

10 A. Like if I had went to the hospital for an injury or
11 something to that effect, but, no.

12 Q. Not for managing your chronic pain?

13 A. Correct.

14 Q. Okay. So no doctor before the pain management had you
15 on any kind of long-term opioid or pain medication
16 management?

17 A. Right. And, also, as I said before, I was -- I had
18 relapsed. But before I relapsed, I was sober for 12 years.
19 So I was really careful as to what, you know, what I took.

20 Q. All right. You keep using these numbers of years --

21 A. Yeah.

22 Q. -- and I should know the answer to this because it's
23 real easy for me to look up, and I'm so sorry two questions
24 to never ask a woman: How old are you?

25 A. I just turned 41 two weeks ago.

EXAMINATION OF HOPE ARMENT

68

1 Q. Okay. I didn't know that. I would have not have
2 guessed that. I was trying to figure out where 12 years went
3 to.

4 A. Yeah.

5 Q. So somewhere in your past you had previously been
6 addicted to drugs?

7 A. I had been, yes, sir.

8 Q. At what age and what drug?

9 A. I started using when I was 13, and I got sober when I
10 was 25 from meth and opiates.

11 Q. Okay. So you had had a bout of addiction previously?

12 A. I had.

13 Q. Okay. Is that why when you were needing to be treated
14 for pain, you went to a pain management specialist?

15 A. It was getting to the point where if you weren't in
16 the pain management specialist, you weren't being seen about
17 pain regardless of how severe or nonsevere that it was. So I
18 had to get in with a doctor that dealt with pain management,
19 yes.

20 Q. During this time period, it had become very difficult
21 for you to find a physician or a medical provider that would
22 touch pain medication?

23 A. Correct.

24 Q. For fear of getting in trouble?

25 A. Right.

EXAMINATION OF HOPE ARMENT

69

1 Q. You found this doctor. He made -- he spoke to you
2 about your illness?

3 A. Yeah. Dr. -- well, Dr. Thomas McDonald is -- I call
4 him Dr. House. He is that kind of doctor. He -- I didn't
5 realize that I had shingles on my face. And all my life
6 everybody has been telling me it was different, and one look
7 at it, and he knew what it was. So he did talk to me about
8 my different ailments, and we worked on some natural stuff as
9 well as pain medicine.

10 Q. Did Dr. House do any testing to see if you had
11 Crohn's?

12 A. I actually went to Dr. Salder, who is my GI
13 specialist.

14 Q. You came to Dr. House and said you'd previously been
15 diagnosed?

16 A. Dr. McDonald, yes, sir.

17 Q. I'm sorry. See, you said House, and I'm watching that
18 series, and I'm not sure how you like him because I'm
19 surprised. It's been a while since I've seen it.

20 Dr. McDonald, you came in and said, hey, I've been
21 diagnosed with Crohn's?

22 A. Correct.

23 Q. He didn't do the testing to see if you had Crohn's?

24 A. No. He sent me because I was having problems. And
25 everybody -- like, I had a colonoscopy done here at the med

EXAMINATION OF HOPE ARMENT

70

1 years ago, and they perforated my colon. We never found out
2 anything. So they diagnosed with me irritable bowel, which
3 basically means there's something wrong with your colon, but
4 we don't know what it is.

5 Q. Right.

6 A. And I have precancer polyps. So I have to be seen
7 regularly. So he recommended I go to Dr. Salder because
8 Dr. Salder is a tri-state recommended GI specialist, and he's
9 the best -- one of the best in the industry. So I went to
10 him because I was very gun shy after I almost bled to death.

11 Q. So he's the doctor that diagnosed you with Crohn's and
12 you see him --

13 A. Right.

14 Q. -- also for your --

15 A. Ulcerative colitis.

16 Q. -- ulcerative colitis?

17 And was there any testing done on your lower-back
18 pain?

19 A. No. I think that I had done the chiropractor thing,
20 but no testing was done on my lower back besides what was
21 done at the time of the injury.

22 Q. He diagnosed it, based again, on what you told him?

23 A. Right. He had the x-rays and the MRI and all that
24 stuff. He had all of that.

25 Q. Where did he get those from?

EXAMINATION OF HOPE ARMENT

71

1 A. He got them from the hospital in Michigan where it all
2 happened. I signed a release. He had them sent.

3 Q. Was this during a pregnancy?

4 A. No.

5 Q. I thought you said it was -- injections?

6 A. No. The injections are in my hands.

7 Q. Got you. So when you left Dr. McDonald, did he have
8 you prescribed hydrocodone, acetaminophen, the Lortabs and
9 also to clonazepam?

10 A. Klonopin.

11 Q. Klonopin?

12 A. Yes.

13 Q. Okay. And then that would be also what Jeff Young
14 prescribed to you first?

15 A. Yes. And we changed the Klonopin because the Klonopin
16 does not work very well for my anxiety, and the Xanax did. I
17 mean, they -- some medicines are good medicines when they're
18 used properly. I just can't use them properly. But that
19 particular one, I needed to be on Xanax at that stage.

20 Q. Very fair to say that the drugs themselves are not
21 bad, the way that they're used or abused can be bad?

22 A. Right. And, like, I was going through a divorce, and
23 I was seeing my mom, just got back out in the real world.
24 And then, boom, a couple of months later, we found out that I
25 was pregnant. But at that point, that's what was going on.

EXAMINATION OF HOPE ARMENT

72

1 Just got out of a divorce and all that stuff.

2 Q. Okay. So was it with consultation with Mr. Young that
3 you changed to Xanax?

4 A. Yes.

5 Q. You explained to him you weren't having any real
6 success with the drugs you were that prescribed?

7 A. Right.

8 Q. He maintained the same -- at this point the same dose
9 level of the Lortab but changed out your, I guess, that's
10 benzodiazepine --

11 A. Right.

12 Q. -- to a different one that you felt would be more
13 beneficial to you?

14 A. Right.

15 Q. And did you tell him you were receiving benefits from
16 it, that it was helpful, more helpful?

17 A. I'm sure that I did. After the first -- like, I took
18 Hailey to him, my oldest daughter. I took her once or twice
19 before it started getting, like -- I guess, monotonous as I
20 would just go in, and I would get my prescription and leave.
21 And so whenever the lack of -- I don't know what you would
22 call it -- was lost, I stopped taking Hailey there because my
23 daughter was also struggling with some anxiety-type issues
24 from me being in an abusive relationship and getting out of
25 it and stuff.

EXAMINATION OF HOPE ARMENT

73

1 Q. Did at some point, when you would come in each month,
2 the visit just got shorter and shorter? As it seems, you
3 were just there to get your prescription filled. He would
4 ask you is everything okay, is the medication still working?

5 A. Right. I would go in. I would get weighed by the
6 nurses and stuff, triaged. I would wait in the waiting room,
7 and then I would be put into a room. He would actually come
8 in and ask if everything was all right. He would, you know,
9 find out what prescriptions I needed refilled. And then he
10 would do a checkup. He would listen to my heart, my lungs,
11 and everything, to make sure that that was stuff was okay.

12 Q. Do you know if your record from Dr. McDonald, your
13 medical record was transferred in to Mr. Young's --

14 A. I have no idea. I signed for it to be.

15 Q. Okay. And that would have contained all the records
16 of your testing previously?

17 A. Correct. I would think so. I don't know. I don't
18 work in that field.

19 Q. If -- well, fair enough. We'll leave it there.

20 When you came in and you had gone to see some other
21 medical providers and you were trying to explain to them that
22 you had -- you were just sick, you were just nauseous,
23 throwing up, you didn't get any -- they didn't really do
24 anything for you, did they?

25 A. I'm sorry, what are you referring to?

EXAMINATION OF HOPE ARMENT

74

1 Q. At some point, you got a prescription for, was it,
2 Phenergan?

3 A. Phenergan from Jeff?

4 Q. Yes.

5 A. Yes, sir. That was when I was pregnant with A. I
6 had -- like I said, I was really sick. I went to
7 Dr. Hoeldke, but Dr. Hoeldke is a high-risk doctor. He
8 doesn't do that type of stuff in his office. So he was
9 referring me downstairs to the emergency room, and I was not
10 going to go wait in the emergency room. Plus, I had to go to
11 Jeff's office anyway to get my prescriptions, so I went to
12 Jeff. And Jeff treated it in the office because he was my
13 doctor. I went to see all three of my doctors on the same
14 day every month.

15 Q. So it was kind of, you went to them, you told them
16 your symptoms, said that you had been to Dr. Hoeldke, and he
17 wanted to send you to the ER. And then based on your
18 complaint, Jeff wrote you a prescription for basically
19 antinausea medicine?

20 A. Right. He gave me a shot of it in the office and
21 wrote me a prescription for it to go home with me.

22 Q. Did it make you better?

23 A. I mean, the shot made me stop throwing up.

24 Q. Okay.

25 A. And I left and got my prescription filled. So I

EXAMINATION OF HOPE ARMENT

75

1 ultimately felt better, regardless.

2 Q. Oh, good point because at this point you were --

3 A. I was having --

4 Q. -- not taking your medication correctly?

5 A. I was not taking my medicine correctly. So when I
6 took my medicine, it was like --

7 Q. -- relief?

8 A. Yeah.

9 Q. Did you tell -- I keep saying Jeff. Did you tell
10 Mr. Young you weren't taking your medication correctly?

11 A. I didn't.

12 Q. You didn't want to tell him, did you?

13 A. No.

14 Q. Because you were afraid if you did, he would cut you
15 off?

16 A. Well, it was that, and it was kind of a humiliation
17 thing of I had slipped.

18 Q. Okay. That's fair enough because you had been through
19 it once before?

20 A. Right.

21 Q. And you knew that even though you had come out of a
22 pain specialist who was prescribing you basically the same
23 medication, you had slipped into that from the person who
24 needs medication to the person who's abusing medication and
25 taking too much?

EXAMINATION OF HOPE ARMENT

76

1 A. Right.

2 Q. And because of that, the shame, you wouldn't tell
3 Mr. Young?

4 A. Right. I wouldn't tell him, and, you know, when the
5 drug tests came back, that was an all-points bulletin, red
6 flag, ding, ding, ding, ding, ding, something is wrong, she's
7 not taking her medicine like she's supposed to. And the way
8 I looked at it was, if he's my doctor or my friend, he would
9 see that something is going on. And, clearly, it's not as
10 bad as other people are telling me it is if he's not saying
11 anything about it.

12 Q. You were faking some of those urine screens, weren't
13 you?

14 A. I'm sorry?

15 Q. Were you faking your urine screens?

16 A. Yes. Because I didn't have it in my system, so I
17 would save just a piece of the pill. That way I could take
18 the rest of the pills, and it was either taking them or
19 selling them.

20 Q. Okay. Okay. Your high-risk OB, Dr. Hoeldke --

21 A. Correct.

22 Q. -- did he ask you what medications you were on?

23 A. He did ask me what medications I was on. And when I
24 told him, he recommended that I get off of them.

25 Q. Did you do that?

EXAMINATION OF HOPE ARMENT

77

1 A. I did not. I told him that I was going to continue to
2 take my medicine because I was not going to be miserable in
3 pain and that he could consult with Jeff. Jeff could consult
4 with him, whatever they needed to do, but I was not at a
5 point where I could just stop.

6 Q. But he explained to you what the possible dangers were
7 if you continued to use those drugs?

8 A. He did not. As I said before, I have never fully
9 understood or been told what opioids or Xanax do to an
10 infant.

11 Q. Dr. Hoeldke, the high-risk OB didn't tell you why --

12 A. He didn't.

13 Q. -- he was trying to tell you to not take them?

14 A. He didn't. He actually leaned towards the Crohn's
15 disease. He was, like, you know, I really think this is
16 making you worse. I think that it's making you have
17 constipation, and it's making your Crohn's worse. And that's
18 kind of the route that he took with it.

19 Q. No warning from your high-risk OB?

20 A. No.

21 Q. Okay. Had you ever used that physician before?

22 A. No. But my sister had, and she actually did use
23 Dr. Hoeldke when she was high-risk pain management as well.

24 Q. What made you high risk? You're not diabetic. You're
25 not overweight.

EXAMINATION OF HOPE ARMENT

78

1 A. Because I was on pain management.

2 Q. So you specifically went to him because of the pain
3 management?

4 A. Correct.

5 Q. Okay.

6 A. And he monitored the development of my child's brain,
7 her body, her body weight, her body mass, her heart. So he
8 would look at her every month to make sure that she was okay.

9 Q. And he was following her because of the fact that you
10 were coming through a pain management and then with -- with
11 Jeff Young having your pain managed through opioids and pain
12 pills?

13 A. Correct.

14 Q. Okay. Okay. And so was he also responsible for the
15 delivery of your baby?

16 A. No. Dr. Armie Walker was the -- she didn't deliver A.
17 It was one of her colleagues that delivered her, but she
18 performed my surgery after.

19 Q. Who referred you to Dr. Hoeldke? Was it Dr. Walker?

20 A. Dr. Walker.

21 Q. So Dr. Walker knew you were on these medications?

22 A. Correct.

23 Q. So Dr. Walker knew you were on these medications and
24 you told her you were going to stay on these, then referred
25 you to a high-risk OB just to follow you to keep you and your

EXAMINATION OF HOPE ARMENT

79

1 baby safe?

2 A. Correct.

3 Q. Okay. And did any of them explain to you -- I already
4 asked you this. Did -- your child was born with medication
5 in her system?

6 A. Yes.

7 Q. You were still having -- you had gotten a prescription
8 several months before from Jeff that was your last
9 prescription in, like, June or something?

10 A. No, sir. My last prescription was in July.

11 Q. And what was that prescription for?

12 A. 120, I think.

13 Q. Do you remember what drug it was for?

14 A. Percocet, 7.5s. Brittany wrote it, and it was messed
15 up. I want to say that it was -- the number of them was
16 messed up or something, but I went by the office the next
17 day, and it was corrected.

18 Q. Okay.

19 A. Because I had sent him a message.

20 Q. All right. That's my confusion. It's not written by
21 Jeff Young. It would show up --

22 A. Right.

23 Q. -- Ms. Petway under her prescription?

24 A. Correct.

25 Q. Okay. Percocet?

EXAMINATION OF HOPE ARMENT

80

1 A. Yes, sir.

2 Q. Okay. But if I understood your testimony, that was
3 supposed to be -- what you told Jeff was that that was a
4 prescription for you to have your medication once you gave
5 birth?

6 A. Right. See, okay, that's been a long time ago, so
7 give me just a second.

8 Q. Sure. You can take your time.

9 A. I normally set my doctors' appointments up at the same
10 time each month because I went to all three doctors, but I
11 didn't only go to the doctor. Me and my mom usually would go
12 to the doctor on the same day and -- but when she moved out,
13 we got -- it was distanced, and we weren't on the same page,
14 like, our timeline. But I want to say that I filled those
15 pills, and those pills were to last me through my birth of A.
16 And I went into labor early or something. I don't know,
17 something crazy. But I did get them filled when I was in the
18 hospital.

19 I got a prescription filled when I was in the
20 hospital, but I don't think it was that prescription. That
21 prescription I filled the day that I left the doctor's
22 office, but it was supposed to last me until I had A. But I
23 want to say Dr. Walker wrote me a few hydrocodones because I
24 was already written Percocets as a breakthrough because I had
25 just had surgery.

EXAMINATION OF HOPE ARMENT

81

1 Q. Dr. Walker, your OB --

2 A. Right.

3 Q. -- wrote you a prescription --

4 A. Right.

5 Q. -- before or after the birth?

6 A. That would be after the birth.

7 Q. Okay. For the pain control of the surgery?

8 A. Correct. And I didn't have the surgery for two days.

9 It was two days after the birth, and then I was at the
10 hospital for two weeks with A. And then I would have went
11 back to Jeff and got my next prescription.

12 Q. Were you -- did Dr. Walker or Dr. Hoeldke tell you
13 that if you continued on opioids, pain medication, throughout
14 your pregnancy that there was a protocol in which the child
15 would need to be observed for a couple of days after birth to
16 make sure --

17 A. No, nobody told me that. Actually, I woke up in the
18 middle of the night. I had just had surgery. They gave me
19 an Ambien because I couldn't rest. A. had been in my room
20 for the last three nights, and everything was just fine. And
21 whenever I took her blanket off, she shivered a little bit.
22 But I -- my other two children did the exact same thing so I
23 thought nothing of it.

24 Well, they took her to the nursery that night so that
25 I could rest, and the doctors in the nursery saw her do it

EXAMINATION OF HOPE ARMENT

82

1 and put her into the NICU while I was asleep and woke me up
2 to let me know that that's where she was at. And they had
3 already started the morphine at that point.

4 Q. Okay. But without asking you?

5 A. Right. They did not ask me because it was already
6 documented in my chart that I was a --

7 Q. High risk because of --

8 A. -- that I was a pain patient.

9 Q. Pain patient. So if your chart, it said you were a
10 pain patient so that they would be aware to be observant and
11 then take the appropriate response should they need to?

12 A. Correct.

13 Q. And it was your understanding that was the correct
14 medical response in this situation? They were prepared for
15 it?

16 A. I feel like it was a little -- I feel like they jumped
17 the gun a little bit, but that's just my personal opinion.
18 And that was the NICU doctor's opinion that night in the --
19 when I came down there. I was, like, what did she get even
20 put down here for because I don't understand. But then once
21 she was there, they swabbed her nose, and she had MRSA. So
22 then she had to be weaned off the morphine that they put her
23 on as well as fight MRSA.

24 Q. You don't think she needed to be put on morphine?

25 A. I did not see signs or symptoms. I have three

EXAMINATION OF HOPE ARMENT

83

1 children. My other two children, when you take their clothes
2 off to change their diaper and they are a newborn baby, you
3 unswaddle them, they are going to shiver a little bit in a
4 hospital. It's cold. And that's what I thought was going on
5 with A. Now, I'm not a physician. I can't say that she
6 wasn't having withdrawals, and there were opiates in her
7 system. So she could have been. But I feel like they
8 shouldn't have took my child and put her on a stronger opiate
9 without my permission, no.

10 Q. And then the MRSA, when you're talking about MRSA,
11 you're talking about a bacterial infection?

12 A. I'm not sure what MRSA actually is, but MRSA lives in
13 the nose. It's contracted with babies through their nasal
14 passage. Pretty much anybody that's had any kind of
15 amputation or transplant or anything like that, they can't be
16 around the child. So she had to be isolated. We had to wear
17 MRSA gear. I couldn't even hold my child like I wanted to
18 because she was in the NICU.

19 MR. FERGUSON: May I approach, Your Honor?

20 THE COURT: Yes.

21 BY MR. FERGUSON:

22 Q. I just want to show you the Government's
23 Exhibit 814.3. It hasn't been marked yet. It's the third
24 page to the Government's Exhibit 23.

25 THE COURT: Got you.

EXAMINATION OF HOPE ARMENT

84

1 BY MR. FERGUSON:

2 Q. Can you identify that pretty thing right there?

3 A. That's my daughter.

4 Q. And can you tell me what day that was taken on?

5 A. That was August the 10th.

6 THE COURT: Hold on just one moment.

7 MR. PENNEBAKER: We actually didn't introduce
8 that.

9 MR. FERGUSON: I'm doing it right now.

10 MR. PENNEBAKER: Okay.

11 BY MR. FERGUSON:

12 Q. Who is that pretty thing?

13 A. That's A.

14 Q. Can you tell me what day that photo was taken?

15 A. That was August the 10th. The top one is A. I'm
16 holding.

17 Q. Okay. So how many days after the delivery of your
18 child is this?

19 A. That was the day of the delivery of my child. It was
20 just posted a couple of days later. I dressed her up in
21 every outfit I had.

22 MR. FERGUSON: I'll ask to introduce that as the
23 next exhibit, Your Honor.

24 THE COURT: We'll go ahead and receive it. That
25 will be 24.

EXAMINATION OF HOPE ARMENT

85

1 (Exhibit 24 marked and received.)

2 MR. FERGUSON: Give me just a second to put it up
3 for the jury.

4 BY MR. FERGUSON:

5 Q. This is the birthday?

6 A. That's the day she was born, yes.

7 Q. Is that you?

8 A. Yeah.

9 Q. And who is the young man there?

10 A. That's my son.

11 Q. Good looking baby. Who is that?

12 A. That's A.

13 Q. Same day?

14 A. Same day. She still had the bow on her head. Same
15 day.

16 Q. All right. You sent Jeff a text that day, didn't you?

17 A. Yes.

18 Q. Were you wanting to get back to his office because you
19 were on medication?

20 A. I mean, at that point, that particular message, just I
21 wanted him to see A. I wanted the world to see A. And
22 there's actually a picture of Jeff holding A.

23 Q. Okay. She's healthy now?

24 A. She is very healthy now. Very smart.

25 Q. She was from what you can tell healthy?

EXAMINATION OF HOPE ARMENT

86

1 A. She was a normal child --

2 Q. Okay.

3 A. -- but, I mean, again --

4 Q. Not a doctor?

5 A. Not a doctor.

6 Q. I understand. You're a mama.

7 A. Yeah.

8 Q. Thank you.

9 A. You're welcome.

10 MR. PENNEBAKER: Nothing from the Government,
11 Your Honor.

12 THE COURT: Okay. All right. Ms. Rogers or is
13 it Arment?

14 THE WITNESS: Arment.

15 THE COURT: I think we're done, so you're
16 excused. You may step down.

17 THE WITNESS: Okay. Thank you.

18 THE COURT: We've been going for a couple of
19 hours, so I think I'm ready for a break. I don't know if
20 y'all are or not. So we'll take about 15 or 20 minutes. The
21 rules are always the same. Don't discuss the case amongst
22 yourselves or allow anyone to discuss it with you. Leave
23 your notebooks in your chairs. They'll be there when you
24 come back. I'll go ahead and excuse you to the jury room.

25 (Jury out at 3:36 p.m.)

1 THE COURT: Okay. We'll be in recess.

2 (A recess was taken from 3:37 p.m. to 4:07 p.m.)

3 THE COURT: Any issues before we bring in the
4 jurors?

5 MR. FERGUSON: No, Your Honor.

6 THE COURT: No? Okay. Bring them in, please.

7 (Jury in at 4:08 p.m.)

8 THE COURT: Okay. A little warmer in here now?
9 All right. I hope it doesn't keep continuing to rise. We'll
10 see. At any rate, I think we're ready to go ahead and
11 proceed. We finished with the witness. I'll return to the
12 Government. Who will be -- call your next witness.

13 MS. PAYERLE: Thank you, Your Honor. The United
14 States calls Daniel Rogers.

15 THE COURT: All right. Sir, if you would step
16 right up here to the front. Ok. You're good right there.
17 And if you would, please raise your right hand to receive the
18 oath.

19 (The witness was sworn.)

20 THE COURT: Be seated right here.

21

22

23

24

25

EXAMINATION OF DANIEL ROGERS

88

1 **DANIEL ROGERS,**

2 called as a witness on behalf of the Government, having been
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. PAYERLE:

6 Q. Good afternoon, Mr. Rogers.

7 A. Hey, good afternoon.

8 Q. One just quick thing. First of all, go ahead and
9 introduce yourself to the jury. Just your name, your job,
10 and where you live, what city?

11 A. Okay. Daniel Rogers. I'm sales manager, excuse me,
12 at Rogers Hydrant Service. I live in Dresden, Tennessee.

13 THE COURT: Would you spell your name, please.

14 THE WITNESS: Oh, yes, sir. D-A-N-I-E-L,
15 R-O-G-E-R-S.

16 BY MS. PAYERLE:

17 Q. And, Mr. Rogers, just to clear something up, we've
18 heard from another witness named Hope Rogers. Are you any
19 relation to a Hope Rogers?

20 A. No, ma'am.

21 Q. Okay. Have you ever worked at Jeff Young's clinic
22 PREVENTAGENIX?

23 A. Yes, ma'am.

24 Q. And when did you work there?

25 A. From 2014 to 2017.

EXAMINATION OF DANIEL ROGERS

89

1 Q. And what was your job at PREVENTAGENIX?

2 A. Work up the patients, like a medical assistant.

3 Q. And did you, in that job, write information in their
4 patient records sometimes?

5 A. Yes, ma'am.

6 Q. And did you interact with drug screens or toxicity
7 screens?

8 A. Yes, ma'am.

9 Q. And did you sometimes talk to patients about the
10 results of those tox scenes?

11 A. Yes, ma'am.

12 Q. While you were at PREVENTAGENIX, about what percentage
13 of the patients would you estimate were seen for controlled
14 substances?

15 A. Ballpark, 80 percent.

16 Q. Did Jeff Young ever talk to you about any business
17 reasons for seeing controlled substance patients?

18 A. It was worded that they're going to get them
19 somewhere, might as well be here.

20 Q. And did controlled substance patients help or assist
21 the business in any way?

22 A. Can you repeat the question.

23 Q. Sure. That was a terrible question. Did the
24 controlled substances patients make up a big part of the
25 business model?

EXAMINATION OF DANIEL ROGERS

90

1 A. Oh, yes, ma'am.

2 Q. And why was that?

3 A. I guess to -- when the clinic was started, that's what
4 came, and we had to keep the patients coming back, I guess.

5 Q. And when was the clinic started?

6 A. 2014, I don't remember the month, though.

7 Q. And how often did controlled substance patients have
8 to come in?

9 A. Monthly.

10 Q. And then did Mr. Young bill for office visits every
11 time a patient came in?

12 A. I assume so.

13 Q. I'm sorry. That wasn't your area?

14 A. No.

15 Q. Okay. I'm sorry. I didn't -- that's all right then.
16 Then you don't know. That's the answer.

17 And did you -- how about patients who came in for a
18 cold, did they come in once a month?

19 A. No. For sickness, no.

20 Q. And how about people who were just getting like a
21 physical, would they come in once a month?

22 A. No.

23 Q. Okay. The controlled substance patients, they did?

24 A. Yes, ma'am.

25 Q. Did you or your coworkers -- well, let's talk about

EXAMINATION OF DANIEL ROGERS

91

1 you. Did you ever raise concerns to Mr. Young about the
2 number of controlled substance patients at his office?

3 A. Yes.

4 Q. And what kind of concerns did you raise?

5 A. Just the amount and what a lot of people were getting.
6 I had a brother on hospice that wasn't getting some of the
7 drugs that they were getting.

8 Q. What kind of drugs were those?

9 A. Pain medication -- pain medication, I'm sorry.

10 Q. Okay. About how many patients would you see in a day
11 at PREVENTAGENIX?

12 A. Some days, it would be up to a hundred.

13 Q. The clinic, was it part of your job to talk to the
14 patients?

15 A. Yes, ma'am.

16 Q. And, you know, you said that a lot of them were seeing
17 Mr. Young to get drugs or controlled substances? Would they
18 come in point blank and say they needed drugs?

19 A. Not point blank.

20 Q. How did that look? What were --

21 A. It would be like I've got back pain, shoulder pain,
22 some kind of body ache.

23 Q. Did some people sometimes specifically ask for drugs
24 by name?

25 A. There would be nicknames.

EXAMINATION OF DANIEL ROGERS

92

1 Q. Okay. What kind of nicknames?

2 A. Oxycodone was referred to as Roxies, and then
3 2-milligram Xanax -- excuse me, 2-milligram Xanax would be
4 called bars.

5 Q. And had you heard those names before for those drugs,
6 like, for example, when your brother was on hospice?

7 A. No.

8 Q. You said that urine drug tests, sort of talking to
9 patients about their urine drug screens was part of your job?

10 A. Yes, ma'am.

11 Q. What was the reason for urine drug screening at
12 PREVENTAGENIX?

13 A. To make sure the patient was compliant with what they
14 were being written.

15 Q. And describe a little bit for the jury what that
16 means. And how could you tell from a urine drug screen
17 whether a patient was compliant?

18 A. They would have a urine drug screen, and in it we want
19 to make sure, like, if they were written a hydrocodone, we
20 want to make sure hydrocodone was in the drug screen. And if
21 it wasn't, it means they ran out, weren't taking it, and also
22 check for illicit drugs and other prescription drugs that
23 weren't prescribed to them.

24 Q. So are you familiar with a patient named Andy Azbill?

25 A. Yes, ma'am.

EXAMINATION OF DANIEL ROGERS

93

1 Q. Okay. I'm handing you a 438 pages in it that I
2 promise we will not go through page by page. It's marked
3 Government 401. Is this the patient record for Andy Azbill
4 from PREVENTAGENIX?

5 A. Yes, ma'am, it is.

6 MS. PAYERLE: Move to have it admitted.

7 THE COURT: We will go ahead and receive it, 438
8 pages, Exhibit Number 25.

9 MS. PAYERLE: And I do promise we are not going
10 to go through every page. Not even close.

11 (Exhibit 25 marked and received.)

12 THE COURT: Now, we'll have access to all the
13 documents and everything else, all the exhibits when you are
14 in the jury room deliberating. You will be able to peruse
15 the 438 pages.

16 MS. PAYERLE: I just want to make sure it's
17 complete, Judge. All right.

18 THE COURT: Excuse me, what was that patient's
19 name again?

20 MS. PAYERLE: Andy Azbill, it's A-Z-B-I-L-L.

21 THE COURT: Thank you.

22 MS. PAYERLE: And may we publish Exhibit 401 at
23 page 166. Sorry, it's Exhibit -- what's our court exhibit
24 number?

25 CASE MANAGER: 25.

EXAMINATION OF DANIEL ROGERS

94

1 THE COURT: That will be 25.

2 MS. PAYERLE: So that will be Exhibit Number 25
3 at page 166. Okay. We just need to put that up on the
4 screen if we could. Thanks, Mr. Herrin.

5 BY MS. PAYERLE:

6 Q. All right. Just -- you know, the jury has seen a form
7 a little like this before, but let's blow up the top, say,
8 two-thirds of the screen. Down to -- below -- keep going
9 down, down, down. Stop there. Go ahead. All right. So is
10 this a drug toxicology report for Andy Azbill?

11 A. Yes, it is.

12 Q. And it was generated on 10/27/2016 on the top right
13 corner?

14 A. Yes, ma'am.

15 Q. And what medications was Andy Azbill prescribed
16 according to this form there at the top?

17 A. Hydrocodone and Soma.

18 Q. And then in the box under Summary of Qualitative
19 Results, was hydrocodone and oxymorphone detected also in his
20 system?

21 A. Yes, ma'am.

22 Q. And what did that mean as somebody that was charged
23 with keeping an eye on these and counseling patients?

24 A. It shouldn't be in there. If you go by the drug test,
25 it says he had hydrocodone prescribed, but oxycodone showed

EXAMINATION OF DANIEL ROGERS

95

1 up.

2 Q. All right. And let's look in that same exhibit at
3 page 180. This is for 8/24/2016?

4 A. Yes.

5 Q. And let's blow up, I guess, sort of both charts there.
6 There we go, up to there. And in this case, is it the same
7 thing, hydrocodone, hydromorphone detected in his system?

8 A. Yes.

9 Q. And then what do you see below, below with oxycodone
10 and oxymorphone?

11 A. It shows hydrocodone popping up and then the Soma.

12 Q. Okay. And are oxycodone and oxymorphone in his
13 system --

14 A. No, ma'am.

15 Q. -- down at the bottom?

16 A. No, ma'am.

17 Q. Okay. And is that inconsistent?

18 A. Yes.

19 Q. Why is that?

20 A. Well, he was written on this date. Said he had
21 Percocet, so it should have been in his system and it wasn't.

22 Q. But some other drug was?

23 A. Yes, ma'am.

24 Q. Okay. Let's look at the same exhibit, page 205. On
25 this page, there's some handwriting. Let's go ahead and blow

EXAMINATION OF DANIEL ROGERS

96

1 up all the way to the handwriting. Whose handwriting is
2 that?

3 A. Jeff.

4 Q. That's Jeff Young?

5 A. Yes, ma'am, Jeff Young.

6 Q. Okay. Tell the jury what's going on in this
7 prescription or this -- sorry, this tox screen in terms of
8 the results.

9 A. Okay. The reason I guess that Andy gave was that
10 there was an old prescription, the bottom left said old RX,
11 RX meaning prescription. And then it says was on TID, which
12 means three times a day and ran out.

13 Q. Okay. And you see lorazepam. Does that say "no RX
14 for" next to it?

15 A. Yes, ma'am.

16 Q. But it's detected in his system and that's
17 inconsistent?

18 A. Yes, ma'am.

19 Q. And the same thing with oxycodone, oxymorphone,
20 detected, but that's inconsistent?

21 A. Yes, ma'am.

22 Q. Now, do you see here where there's oxycodone and
23 oxymorphone of greater -- in that second column, greater than
24 2500 there?

25 A. Yes.

EXAMINATION OF DANIEL ROGERS

97

1 Q. Did you know what that meant?

2 A. No, ma'am.

3 Q. Did Mr. Young ever tell you to look out for that?

4 A. No, ma'am.

5 Q. That sort of where the amount is higher than the top
6 range in that right corner. Did you ever talk to a patient
7 or counsel them because they had too much of a drug in their
8 system?

9 A. No.

10 Q. Did Mr. Young -- actually, just a moment.

11 Let's go to page 222, if we could, of that same
12 exhibit. And, again, whose handwriting is down at the
13 bottom?

14 A. Jeff Young.

15 Q. All right. And, again, do we see inconsistent drug
16 test results?

17 A. Yes.

18 Q. And do we see more than 2500, whatever that means, of
19 oxycodone and oxymorphone?

20 A. Yes. Yes, ma'am.

21 Q. When you gave drug screens at the clinic, were there
22 any controls to make sure the patients didn't take drugs into
23 the bathroom with them?

24 A. Like a protocol?

25 Q. Right.

EXAMINATION OF DANIEL ROGERS

98

1 A. No, there was no protocol.

2 Q. So, for example, a patient could have taken pieces of
3 a pill in with them and scraped it into their urine?

4 A. Yes, ma'am.

5 Q. And nobody would have known at PREVENTAGENIX?

6 A. No, ma'am.

7 Q. Were they allowed to take anything into the bathroom
8 they wanted? Any purses or bags, things like that?

9 A. We never stopped them from taking . . .

10 Q. Okay. Did Mr. Young have -- or follow any consistent
11 policy as patients came up with an inconsistent drug screen
12 like this?

13 A. It varied patient to -- excuse me, it varied patient
14 to patient.

15 Q. Okay.

16 MS. PAYERLE: Let's go ahead and pull this down.
17 Talk more about that.

18 BY MS. PAYERLE:

19 Q. What did you mean by varied patient to patient? What
20 he did with inconsistent drug screens?

21 A. It mattered who it was that failed the drug screen.

22 Q. And so for whom -- who would he let get by or for whom
23 would he continue prescribing even without a drug screen?

24 A. Friends.

25 Q. Did you ever try to, like, fire or dismiss his friends

EXAMINATION OF DANIEL ROGERS

99

1 as patients from the clinic?

2 A. Yes, ma'am.

3 Q. And can you give us an example?

4 A. Ben Elston failed multiple drug tests, and it was like
5 he was untouchable.

6 Q. Did you ever tell Ben Elston he wasn't welcome back at
7 the clinic?

8 A. No.

9 Q. Did you ever tell Mr. Young that he was failing drug
10 tests?

11 A. Yes.

12 Q. And what happened?

13 A. Couldn't fire him.

14 Q. Okay. Who said that?

15 A. Jeff Young.

16 Q. About how often would you try to dismiss or fire
17 patients from the clinic because of dirty drug screens?

18 A. Every chance I got.

19 Q. And did you ever have any negative repercussions from
20 doing that?

21 A. From the patient or --

22 Q. Anybody?

23 A. Yes, ma'am.

24 Q. Can you explain to the jury what those were?

25 A. Like, some patients threatened to blow my house up,

EXAMINATION OF DANIEL ROGERS

100

1 talked bad to me. Threatened to whoop my butt, you know,
2 just your normal Jerry Springer stuff.

3 Q. Well, you said you did it every chance you got. Why
4 is that?

5 A. I want to get rid of it. I thought the -- I thought
6 we were better than that and wanted to get the drug seekers
7 out of there.

8 Q. Did it ever work, your efforts?

9 A. No, it was like cutting kudzu.

10 Q. What do you mean by that?

11 A. You cut one leaf off, and two grew back.

12 Q. All right. You said it was part of your job to sort
13 of talk to people about the drug tests. What did that --
14 what did that entail as kind of counseling? You have a
15 patient that maybe has a problematic drug test. What did
16 that counseling process entail?

17 A. If they were written a prescription, I would ask them
18 if they had been taking -- and it varied what it showed.
19 But, like, if the medication wasn't in their system, I would
20 ask, were they written this, and they'd say, yes. And I
21 would ask, why is it not in your system, and the go-to for
22 any failed test was either, I ran out, or it was an old
23 prescription.

24 Q. These were common excuses?

25 A. Yes, yes, majority of the time.

EXAMINATION OF DANIEL ROGERS

101

1 Q. Okay. And did Mr. Young -- did you tell Mr. Young
2 about these failed prescriptions?

3 A. Yeah, I would write notes. Especially, like, on some
4 that's got so much because I can't remember everything, so
5 I'd have to write it down, and then I'd go and talk to him
6 about it.

7 Q. Did Mr. Young ever train you in how to spot signs of
8 addiction?

9 A. No.

10 Q. Did he ever train you in sort of how to counsel
11 somebody that might be suffering from addiction?

12 A. No, ma'am.

13 Q. Did he ever encourage you to get that kind of
14 training?

15 A. No, ma'am.

16 Q. To your knowledge, was there an addiction counselor at
17 the clinic?

18 A. Not that I'm aware of.

19 Q. Did Mr. Young encourage his employees to refer
20 patients who seem to be suffering from addiction to rehabs?

21 A. Not that I'm aware of.

22 Q. Mr. Rogers, if -- you know, if this was like kudzu,
23 this is such a problematic clinic, why did you stay so long?

24 A. I was going through a really, really difficult time in
25 my life. I was -- I had filed for divorce, and I had two

EXAMINATION OF DANIEL ROGERS

102

1 children in diapers, and I had to show steady income to get
2 my kids. And I would do anything for my two children, three
3 children.

4 Q. All right.

5 MS. PAYERLE: Pass the witness, Your Honor.

6 THE COURT: All right. Thank you.

7 And Mr. Ferguson?

8 MR. FERGUSON: Yes, sir, may I have just one
9 moment?

10 THE COURT: Sure.

11 (Brief pause.)

12 MR. FERGUSON: Your Honor, we don't have any
13 questions for this witness.

14 THE COURT: All right. Thank you, Mr. Rogers.
15 Thank you very much. You can step down.

16 THE WITNESS: Thank you, sir.

17 THE COURT: Government, if you would, please,
18 call your next witness.

19 MS. PAYERLE: Yes, Your Honor. The United States
20 calls Katie Tripp.

21 THE COURT: Come right around here to the front,
22 please. Okay. You're good right there. If you would,
23 please, raise your right hand to receive the oath.

24 (The witness was sworn.)

25 THE COURT: Be seated right here, please.

EXAMINATION OF KATIE TRIPP

103

1 **KATIE TRIPP,**

2 called as a witness on behalf of the Government, having been
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. PAYERLE:

6 Q. Okay. Good afternoon, Ms. Tripp.

7 A. Yes.

8 Q. Please introduce yourself to the jury, just your name,
9 and also what your name was formerly at the time of this
10 case.

11 A. Yes, it's Kaitlyn Tripp. It was formerly Kaitlyn
12 Scott.

13 THE COURT: Would you spell your last name for
14 the record, please.

15 THE WITNESS: Yes, it's T-R-I-P-P.

16 BY MS. PAYERLE:

17 Q. And what is your current job, just generally?

18 A. I work for a company called Chainalysis. We help
19 investigators understand block chain activity involving
20 currency.

21 Q. And before you did that, did you actually work -- did
22 you work in law enforcement?

23 A. Yes, I did.

24 Q. And who did you work for?

25 A. The Dickson County Sheriff's Office.

EXAMINATION OF KATIE TRIPP

104

1 Q. At some point while you were at the Dickson County
2 Sheriff's Office, did you become part of an investigation
3 regarding Jeffrey Young?

4 A. Yes, I did.

5 Q. Would you describe your role to the jury in that
6 investigation.

7 A. Sure. So I worked patrol for about five years with
8 the sheriff's office, and then they assigned me to the DEA
9 out of Nashville to work undercover for doctor cases.

10 Q. And so did you work undercover in the investigation of
11 Mr. Young?

12 A. Yes, I did.

13 Q. And what did you do as an undercover officer in the
14 investigation?

15 A. Yes, so we just went into doctors' offices to see if
16 providers were safely prescribing medication. We received
17 accusations, and we go and investigate those accusations.

18 Q. And did you go to Mr. Young's clinic, PREVENTAGENIX,
19 in Jackson, Tennessee?

20 A. Yes, I did.

21 Q. As part of your role as an undercover, did you adopt a
22 fake identity?

23 A. I did.

24 Q. And what was your sort of fake identity name?

25 A. Katie Crowder.

EXAMINATION OF KATIE TRIPP

105

1 Q. And did your undercover have a fake driver's license?

2 A. Yes.

3 Q. And according to the driver's license, was Katie
4 Crowder 28 years old?

5 A. Yes.

6 Q. All right. And where did Katie Crowder live?

7 A. Charlotte, Tennessee.

8 THE COURT: How do you spell Crowder?

9 THE WITNESS: C-R-O-W-D-E-R.

10 THE COURT: Thank you.

11 THE WITNESS: Uh-huh.

12 BY MS. PAYERLE:

13 Q. All right. Did you visit -- I think we're just going
14 to march through these. Do you visit Jeff Young's clinic
15 about eight times?

16 A. Yes.

17 Q. And was one of those times on June 7, 2016?

18 A. Yes.

19 Q. All right. So let's give the jury some context. You
20 did go to Jeff Young's clinic on June 7, 2016. But had you
21 gone to the clinic before that time?

22 A. Yes, I had.

23 Q. All right. And describe to the jury the time you went
24 before.

25 A. I went two other times, I believe, with another

EXAMINATION OF KATIE TRIPP

106

1 undercover. We went there. She had a scheduled appointment,
2 so I went alongside her to see if I could get an appointment
3 as well.

4 Q. And on -- and was that in April of 2016?

5 A. Yes.

6 Q. All right. And did you -- did you -- you went with a
7 partner. Did you get a prescription at that visit?

8 A. No.

9 Q. And did you set up an appointment for May of that same
10 year?

11 A. I did.

12 Q. And at that appointment, did you actually see Jeff
13 Young in May?

14 A. No, not in May.

15 Q. All right. Did you get a prescription, though, from
16 the other provider you saw?

17 A. Yes.

18 Q. And I am going to show you -- just a moment.

19 All right. I'm going to show you, Ms. Tripp, a
20 one-page document previously marked Government's 1107. Are
21 we looking at that prescription you received in May?

22 A. Yes.

23 Q. All right.

24 MS. PAYERLE: Move to admit, Your Honor.

25 THE COURT: We'll receive it, a script you

EXAMINATION OF KATIE TRIPP

107

1 received in May of 2016?

2 THE WITNESS: Yes, sir.

3 THE COURT: Okay. It will be Exhibit 26.

4 (Exhibit 26 marked and received.)

5 MS. PAYERLE: Let's pull up Exhibit 26, 1107.

6 BY MS. PAYERLE:

7 Q. So this prescription, just to be clear, was not
8 written by Mr. Young; is that right?

9 A. Correct, it was not.

10 Q. And what was written for you?

11 A. Baclofen. I think, tramadol. I can't remember the
12 other.

13 Q. Okay.

14 A. I can't read the other either.

15 Q. Below the prescription, that would be Klonopin?

16 A. It looks like it, yes, ma'am.

17 Q. I can blow it up there. What do you think?

18 A. Yes.

19 Q. So below this prescription is a receipt. How did you
20 pay for this office visit in May?

21 A. With cash.

22 Q. So you didn't, on this visit, see Mr. Young, so what
23 did you do next?

24 A. I wasn't able to see him even though that's when I
25 scheduled the appointment was for Jeff Young. I was

EXAMINATION OF KATIE TRIPP

108

1 scheduled an appointment with April Downing.

2 Q. Okay. Did you do anything next to ensure that you
3 would see Jeff Young on June -- when you set up your next
4 appointment?

5 A. I did. I created a Facebook -- an undercover Facebook
6 account and messaged Jeff Young directly.

7 Q. All right. Let's take a look at Document 1109. Yes,
8 there we go. Okay. I'm going to show you a two-page exhibit
9 that's been marked 1109. Is this a message to Mr. Young from
10 that Facebook account?

11 A. Yes.

12 Q. And his response on the next page?

13 A. Uh-huh.

14 Q. Okay.

15 A. Yes.

16 MS. PAYERLE: Move to admit that exhibit.

17 THE COURT: That will be Number 27.

18 (Exhibit 27 marked and received.)

19 MS. PAYERLE: And let's put 1109, now Exhibit 27
20 on the screen. Thank you.

21 BY MS. PAYERLE:

22 Q. All right. What did you message Mr. Young on
23 Facebook?

24 A. I just let him know that I was in his office last week
25 for an appointment, and I thought I was going to be able to

EXAMINATION OF KATIE TRIPP

109

1 see him instead of April Downing. I was going to see if he
2 could help me out with better medications that I felt would
3 actually help.

4 Q. And did he respond to your message?

5 A. Yes.

6 Q. Go ahead and look at page 2 of that same document.

7 What did he tell you to do?

8 A. Asked when I was coming back and when I did, just tell
9 them that I only wanted to see him and only him.

10 Q. All right. And is there -- there's another message,
11 but it looks like it's several months later; is that right?

12 A. That's correct.

13 Q. So we'll get to that in a minute. But for this
14 appointment, did you then see Mr. Young in June of 2016?

15 A. Yes, I did.

16 Q. And to orient the jury, were you accompanied by
17 anybody at that visit?

18 A. No.

19 Q. And how did you pay for that visit?

20 A. Cash, as well.

21 Q. Okay.

22 MS. PAYERLE: Your Honor, at this time, the
23 Government would like to play a clip, Exhibit 1111 that we've
24 premarked.

25 BY MS. PAYERLE:

EXAMINATION OF KATIE TRIPP

110

1 Q. And I'll ask, Ms. Tripp, have you taken a look at all
2 the clips that we're going to play --

3 A. Yes.

4 Q. -- in this testimony?

5 A. Yes.

6 Q. Okay.

7 MS. PAYERLE: So we would ask the Court to admit
8 clip 1111.

9 THE COURT: Okay. How many clips are we talking
10 about?

11 MS. PAYERLE: There are one -- they're each of
12 them very, you know, a few minutes. And, actually, maybe we
13 can just admit them all at this point, if that would be
14 easier.

15 THE COURT: It probably would.

16 MS. PAYERLE: Okay.

17 THE COURT: When you say clips, what do you mean?

18 MS. PAYERLE: I just mean videos.

19 THE COURT: Okay.

20 MS. PAYERLE: All right. So it will be our
21 Document 1112. I've got to move through them here, 1116 -- I
22 apologize, Your Honor. If I may have just a moment to
23 consult at counsel table.

24 THE COURT: Sure.

25 MS. PAYERLE: There seems to be a little mix-up

EXAMINATION OF KATIE TRIPP

111

1 here.

2 THE COURT: Go ahead.

3 MS. PAYERLE: Okay. Thank you. Your Honor, I'm
4 sorry, I believe there's just -- we have a little paperwork
5 mix-up that may cause some inefficiencies. And if we could
6 have just five minutes to kind of resolve it. I apologize to
7 the Court. I just think if we could have just a moment to
8 resolve it, this would go a little more quickly.

9 THE COURT: Okay. Folks, I'm going to excuse you
10 into the jury room. They just need a few minutes to work out
11 some problems with their presentation. It won't take long.
12 Like I say, about five, ten minutes, we'll get back to you.
13 Leave your notebooks and don't discuss.

14 And, Ms. Tripp, don't discuss your testimony with
15 anyone over the break. You can step down.

16 (Jury out at 4:39 p.m.)

17 THE COURT: We'll be in recess.

18 (A recess was taken from 4:40 p.m. to 4:44 p.m.)

19 (Jury in at 4:44 p.m.)

20 THE COURT: Okay. I believe the Government is
21 ready to proceed right now.

22 MS. PAYERLE: Thank you.

23 BY MS. PAYERLE:

24 Q. All right. So we've streamlined a little bit, and I
25 think we are ready to move a little faster. So did you see,

EXAMINATION OF KATIE TRIPP

112

1 in preparation for today, the clips at 1111 -- Government's
2 premarked documents 1111, 1112, 1116, 1118, 1124, and 1129?

3 A. Yes.

4 Q. Okay. And the Government would move to admit -- no,
5 sorry. Are these recordings that you made of visits that you
6 made to PREVENTAGENIX while you were working undercover?

7 A. Yes.

8 Q. All right.

9 MS. PAYERLE: The Government would move to admit.

10 THE COURT: It will be collectively Exhibit
11 Number 28. I believe it's six video clips.

12 MS. PAYERLE: Judge, could we have them admitted
13 as separate exhibits just for ease of reference --

14 THE COURT: Okay.

15 MS. PAYERLE: -- as we go through them?

16 THE COURT: All right. That's fine.

17 MS. PAYERLE: And so they are Exhibits 29 --
18 what did we start --

19 THE COURT: It will be 28 through however many
20 you have.

21 (Exhibits 28 through 33 marked and received.)

22 MS. PAYERLE: Okay. Through 33.

23 BY MS. PAYERLE:

24 Q. All right. So when you went into the clinic, did you
25 have a camera with you that was recording?

EXAMINATION OF KATIE TRIPP

113

1 A. I did.

2 Q. And where was that camera?

3 A. I was holding it.

4 Q. You were holding it. Okay. And you said you paid
5 cash, I believe?

6 A. That's correct.

7 Q. All right. Let's look at the clip that's now
8 Exhibit 28. It's 1111. I'll have you watch. Is it the
9 entrance to the clinic?

10 A. Yes, ma'am.

11 (The video was played.)

12 BY MS. PAYERLE:

13 Q. Okay. And is that you paying cash at the front desk?

14 A. Yes, ma'am.

15 Q. Did anyone at the desk express any surprise that you
16 were paying in cash?

17 A. No, not at the desk.

18 Q. Anywhere in the clinic?

19 A. In the back, I believe they mentioned something about
20 it.

21 Q. Okay. Do you remember what they said?

22 A. No, not off the top of my head.

23 Q. Okay. Can you describe what the waiting room was like
24 on these visits?

25 A. It varied, but for the most part, it was full of

EXAMINATION OF KATIE TRIPP

114

1 patients waiting, and we could wait anywhere from an hour to
2 two hours to be seen.

3 Q. At some point on this visit in June, did you go and
4 see Jeff Young?

5 A. Yes, I did.

6 Q. And before you got to an exam room, kind of describe
7 the process that you went through before getting to the exam
8 room.

9 A. Sure. So we would wait in the waiting room to be
10 called back for triage. Then they would do -- sometimes a
11 urine analysis. They would do blood pressure, ask questions
12 why we're there and what we were needing to be seen for. And
13 then if there was a room available, we would go into the room
14 or we would go back into the waiting room out front.

15 Q. Okay. At Exhibit 1112, is that your exhibit, which is
16 now Exhibit 29? Is that a recording of you in the waiting
17 room?

18 A. Yes.

19 Q. Okay.

20 MS. PAYERLE: Let's play Exhibit 29, which was
21 our 1112.

22 (The video was played.)

23 MS. PAYERLE: We'll stop there.

24 BY MS. PAYERLE:

25 Q. Was that -- who just came into the room there?

EXAMINATION OF KATIE TRIPP

115

1 A. Jeff Young.

2 Q. And is the male voice for the rest of the recording
3 belonging to Jeff Young?

4 A. That's correct.

5 MS. PAYERLE: Okay. So keep going.

6 (The video was played.)

7 BY MS. PAYERLE:

8 Q. Okay. So here, explain what you were saying about the
9 tramadol and the money.

10 A. Yes, so just letting him know I didn't even fill the
11 prescription for the tramadol. I didn't think that it was
12 going to work with the pain. Then what was your other
13 question, the money?

14 Q. You said -- yeah, did anybody ask you how you were
15 able to pay \$90 cash for this appointment if you didn't have
16 the money to fill your tramadol?

17 A. No.

18 Q. All right.

19 MS. PAYERLE: Let's see what happens next.

20 (The video was played.)

21 BY MS. PAYERLE:

22 Q. Why did you tell him that you took hydrocodone that a
23 friend gave you?

24 A. Just to see if he would see that it's a red flag at
25 all to be receiving hydrocodone illegally.

EXAMINATION OF KATIE TRIPP

116

1 Q. Did you -- do you know what a CSMD or a PMP is?

2 A. Yes.

3 Q. Was there a CSMD or a PMP that reported any previously
4 prescribed controlled substances for undercover Katie
5 Crowder?

6 A. No.

7 Q. Okay. So if he had pulled your PMP -- or wait, if he
8 had pulled Katie Crowder's PMP or CSMD, what would it have
9 shown?

10 A. Nothing.

11 Q. That is that you had never had an opioid prescribed
12 before?

13 A. Correct.

14 Q. Okay.

15 MS. PAYERLE: Let's keep rolling and see what
16 happens next.

17 (The video was played.)

18 BY MS. PAYERLE:

19 Q. Let's note the time stamp. At what point in this
20 visit did you ask him about his trailer?

21 A. Shortly into the visit.

22 Q. So about -- was it about 2 minutes and 20 seconds?

23 A. That sounds about right.

24 Q. Okay.

25 MS. PAYERLE: Let's keep playing.

EXAMINATION OF KATIE TRIPP

117

1 (The video was played.)

2 BY MS. PAYERLE:

3 Q. Did you see -- do you see a piece of paper in his
4 hand, that small piece of paper?

5 A. Yes.

6 Q. What's that?

7 A. A prescription.

8 Q. Okay.

9 MS. PAYERLE: Let's keep going.

10 (The video was played.)

11 BY MS. PAYERLE:

12 Q. Okay. For this visit, was that all you saw of
13 Mr. Young?

14 A. Yes.

15 Q. He asked you if you had an MRI and he asked you -- and
16 what did you tell him for the jury?

17 A. I said, yes, that I did.

18 Q. And did you give him any description of what it
19 showed?

20 A. I told him everything looked fine or looked okay.

21 Q. Did he write you a prescription anyway?

22 A. Yes.

23 Q. Let's take a look at -- do I have it here, 1113. I'm
24 going to show you a one-page document that's been marked
25 1113. Is that a prescription?

EXAMINATION OF KATIE TRIPP

118

1 A. Yes.

2 MS. PAYERLE: Move to admit, Your Honor.

3 THE COURT: We'll go ahead and admit. It will be
4 34.

5 (Exhibit 34 marked and received.)

6 MS. PAYERLE: Let's go ahead and publish
7 Exhibit 34, which is our Document 1113.

8 BY MS. PAYERLE:

9 Q. Okay. Ms. Crowder, excuse me, calling you by the
10 wrong name. Ms. Tripp?

11 A. Yes.

12 Q. Is this the prescription that was written to your
13 undercover identity, Katie Crowder, following -- or during, I
14 guess, that office visit?

15 A. Yes, it is.

16 Q. Okay. That we just saw. During this appointment, did
17 Mr. Young ever try to address your pain with something other
18 than an opioid?

19 A. No, he did not.

20 Q. Did he ask you what your pain felt like, like was it
21 shooting or stabbing, for example?

22 A. No.

23 Q. How severe it was or when?

24 A. No.

25 Q. Did he ask you if you sustained some kind of injury

EXAMINATION OF KATIE TRIPP

119

1 that might explain it?

2 A. No.

3 Q. During this exam total time, did he talk to you more
4 about your health or more about his trailer?

5 A. His trailer.

6 Q. And, I guess, did you -- you walked in here today to
7 take the stand, did you move any differently around him, show
8 signs of pain, wince, anything like that? Did you move
9 differently than you did here today in court?

10 A. No, I did not.

11 Q. Okay. Let's take a look now. Did you then go back to
12 the visit -- or excuse me, go back for another visit at the
13 clinic on July 12, 2016?

14 A. Yes.

15 Q. And did you see Mr. Young on that visit?

16 A. I did.

17 Q. All right. Let's take a look at Exhibit 30, which is
18 our internal 1116. It's another video. This was, again, in
19 the exam room.

20 (The video was played.)

21 BY MS. PAYERLE:

22 Q. All right. Ms. Tripp, at about a minute 25 of this
23 video, you asked for a fentanyl patch. What's that?

24 A. It is fentanyl that is inside of a patch that you put
25 on your body.

EXAMINATION OF KATIE TRIPP

120

1 Q. And you asked if it was okay to take both fentanyl and
2 hydrocodone at the same time?

3 A. I did.

4 Q. What did Mr. Young say?

5 A. Yes.

6 Q. Did he give you any warnings about the dangers of
7 addiction or dependence on opioids?

8 A. No.

9 Q. And had he asked you about your prior experience with
10 opioids?

11 A. No.

12 Q. Did Mr. Young or any member of his staff explain what
13 you were supposed to do with the fentanyl patches?

14 A. No.

15 Q. Like, for example, where you put them on your body?

16 A. No.

17 Q. Before prescribing you fentanyl and hydrocodone at the
18 same time, did Mr. Young or his staff talk to you about a
19 nonopioid painkiller?

20 A. No.

21 Q. Did he or any of them at any time suggest physical
22 therapy or exercise?

23 A. No.

24 Q. He said he'd give you a 50-microgram patch of
25 fentanyl. Is that the lowest dose of fentanyl available?

EXAMINATION OF KATIE TRIPP

121

1 A. 25 is.

2 Q. And on this visit, did you bring that MRI image that
3 you said you'd bring?

4 A. I did not.

5 Q. All right. Let's take a look at -- I have it here.
6 I'm going to show you a one-page document we've marked 1115.
7 That would be the prescriptions you received on that visit?

8 A. Yes, it is.

9 MS. PAYERLE: Move to admit, Your Honor.

10 THE COURT: Okay. That will be 35.

11 (Exhibit 35 marked and received.)

12 MS. PAYERLE: And let's go ahead and publish 35,
13 Exhibit 35. Okay. What are we -- let's blow up the top
14 there if we can so the jury can see.

15 BY MS. PAYERLE:

16 Q. All right. What did Mr. Young, in fact, prescribe you
17 on that visit?

18 A. Hydrocodone and fentanyl.

19 Q. Oh, pardon me.

20 A. No, you're fine.

21 Q. So let's take a look at this. On the left, you said
22 hydrocodone. What's it called there?

23 A. Lortab.

24 Q. And what is the five --

25 A. 5 milligrams three times a day, I believe.

EXAMINATION OF KATIE TRIPP

122

1 Q. So it's 5 milligrams of hydrocodone --

2 A. Two a day, sorry.

3 Q. Yeah, okay. And that's a number 60 in a circle and
4 that means --

5 A. Quantity.

6 Q. So 60 pills?

7 A. Yes.

8 Q. Okay. And that would be two pills a day for 30 days?

9 A. Correct.

10 Q. I see. Okay. It's just math. All right. In the
11 next prescription that he wrote you that day, it says
12 fentanyl patch 50 micrograms number, that is, quantity 10.
13 Do you see that?

14 A. Yes, I do.

15 Q. Okay. And that's 10 patches?

16 A. Yes, ma'am.

17 Q. Okay. But they go on every three days?

18 A. Change them out every three days is what he said.

19 Q. So that's also 30 days' worth of fentanyl?

20 A. Right.

21 Q. All right. And did you come -- did you go back in
22 August of 2016?

23 A. Yes, I did.

24 Q. And did you pay cash again?

25 A. I did.

EXAMINATION OF KATIE TRIPP

123

1 Q. And did you eventually see Mr. Young again?

2 A. I did.

3 Q. Same process as before?

4 A. Yes, ma'am.

5 Q. All right. Let's take a look at what is now

6 Exhibit 31, which is our 1118.

7 MS. PAYERLE: And may have I have a brief sidebar
8 to alert the Court of something?

9 THE COURT: Okay.

10 (At sidebar on the record.)

11 MS. PAYERLE: Sorry, Judge. I realized we had
12 put some subtitles on this because there's parts it's hard to
13 hear and so we wouldn't mind instructions saying that the
14 transcript is not the evidence, that the video is the
15 evidence.

16 THE COURT: Okay. I can do that. The transcript
17 is on the video there.

18 MS. PAYERLE: Right, subtitles on the video.

19 THE COURT: Okay.

20 MR. FERGUSON: What's the instruction, that they
21 are to take -- to hear what they hear and not rely upon the
22 transcript?

23 MS. PAYERLE: Right.

24 MR. FERGUSON: That's fine.

25 THE COURT: Okay.

EXAMINATION OF KATIE TRIPP

124

1 MR. FERGUSON: Thank you, Judge.

2 (End of discussion at sidebar.)

3 THE COURT: Ladies and gentlemen, it has been
4 brought to my attention that this video -- I don't know if
5 there are any others like this.

6 MS. PAYERLE: There's maybe one other video.

7 THE COURT: Okay. You may see some subtitles
8 down there consistent with what's -- at least allegedly
9 consistent to what's being said. You can read those if you
10 want, but the evidence is what you hear, the exchange between
11 with whomever is on the video, so keep that in mind as we go
12 along. The evidence is the actual video communications
13 therein. Any subtitles may be used to help you understand
14 it, but it is not the evidence. Okay?

15 MS. PAYERLE: Judge, there are two more videos
16 with subtitles. Okay. So all right. Let's go ahead and
17 play this exhibit.

18 (The video was played.)

19 BY MS. PAYERLE:

20 Q. Okay. Ms. Tripp, beyond that two or so minutes, did
21 you have any further discussion with Mr. Young about your
22 medical care at that visit?

23 A. No.

24 Q. And in the end, did he increase your dose of fentanyl?

25 A. Yes.

EXAMINATION OF KATIE TRIPP

125

1 Q. And so he didn't explain any risks?

2 A. No.

3 Q. Okay. Had you yet at this point brought in your MRI?

4 A. No.

5 Q. Did you ever bring in an MRI?

6 A. No.

7 Q. Okay. In the video, he asked you if you didn't notice
8 a big effect -- sorry. You told him you didn't notice a big
9 effect of taking the hydrocodone. Did he ask you if you had
10 taken all of it?

11 A. No.

12 THE COURT: All right. Let's take a look. I'm
13 going to show you what we've marked as Exhibit 1120. It's a
14 one-page document.

15 BY MS. PAYERLE:

16 Q. Is this the prescription you received at that visit?

17 A. Yes.

18 Q. Are these the prescriptions, I should say?

19 A. Yes.

20 MS. PAYERLE: Move to admit, Your Honor.

21 THE COURT: That will be 36.

22 (Exhibit 36 marked and received.)

23 MS. PAYERLE: All right. And let's go ahead and
24 publish Exhibit 36 and blow that up. Thank you very much,
25 Ms. Silverberg.

EXAMINATION OF KATIE TRIPP

126

1 BY MS. PAYERLE:

2 Q. And on the left, is this Lortab again, 60 pills?

3 A. Yes.

4 Q. And on the right, a fentanyl patch, and what's been
5 scratched out and rewritten there?

6 A. The 50 micrograms, he increased it to 75.

7 Q. All right. And did you go back in September of 2016?

8 A. Yes, I did.

9 Q. Did you pay cash for that visit too?

10 A. I did.

11 Q. Let's play what's now Exhibit 32, our internal 1124.

12 (The video was played.)

13 BY MS. PAYERLE:

14 Q. All right. Ms. Tripp, did Mr. Young increase your
15 medications again --

16 A. Yes.

17 Q. -- on this visit?

18 A. Yes.

19 Q. All right. And I'm getting predictable here. I'm
20 going to show you what we've marked 1123, a one-page
21 document, two prescriptions. Are those prescriptions he gave
22 you?

23 A. Yes, ma'am.

24 MS. PAYERLE: And next exhibit?

25 THE COURT: That will be 37.

EXAMINATION OF KATIE TRIPP

127

1 (Exhibit 37 marked and received.)

2 MS. PAYERLE: Let's go ahead and publish 37 to
3 the jury. Thanks. And blow them up.

4 BY MS. PAYERLE:

5 Q. The pane on the left, is that the fentanyl patch still
6 at 75 micrograms?

7 A. Yes, ma'am.

8 Q. And on the right, is that Lortab 5?

9 A. Yes, ma'am.

10 Q. What's been crossed out and what's replaced?

11 A. He increased it from 60 to 90 count.

12 Q. And that's 60 to 90 pills?

13 A. Yes.

14 Q. Okay. All right. At some point after this September
15 2016 visit, did you message Mr. Young again on that Facebook
16 account that you created?

17 A. Yes, I did.

18 Q. All right. And we're going to go back to Exhibit 27,
19 which was our internal 1109 and look at the second page if
20 there's a second page. Is that -- is that the message you
21 sent after this visit?

22 A. Yes, it is.

23 Q. Okay. And what did you say in this message to
24 Mr. Young? You can just read it.

25 A. Yes. Hey, I have an appointment with you on

EXAMINATION OF KATIE TRIPP

128

1 October 11th. I have a girlfriend that wants to see you.

2 Can she come with me to my appointment?

3 Q. And before writing this message to Mr. Young, had you
4 ever brought a girlfriend with you on a doctor's appointment?

5 A. No, I did not.

6 Q. What was Mr. Young's response?

7 A. Sure.

8 Q. All right. And did you, in fact, go on October 11th
9 to visit Mr. Young?

10 A. Yes, I did.

11 Q. And to the great relief of all of us, is this the last
12 visit involving you?

13 A. No.

14 Q. Okay. But is it the last one we're going to talk
15 about today?

16 A. Yes.

17 Q. All right. That's a good point. All right. And did
18 you actually bring another undercover law enforcement agent
19 with you posing as your friend?

20 A. I did.

21 Q. All right. And what was the undercover identity of
22 your law enforcement partner?

23 A. Kristina Norton.

24 Q. And it's been a while. Do you remember her name in
25 real life?

EXAMINATION OF KATIE TRIPP

129

1 A. Kristina St. Laurent.

2 Q. And was she also sort of a young woman in her 20s?

3 A. Yes.

4 Q. All right. By the way, I think you said that you --
5 when you first went to fill out paperwork, you said you were
6 from Charlotte, Tennessee; is that right?

7 A. Yes.

8 Q. And that's what your ID -- your fake ID represented?

9 A. Yes.

10 Q. How far is Charlotte -- how far was that drive from
11 Charlotte, Tennessee, to Jackson?

12 A. I can't remember off the top of my head, but it was
13 two hours. I mean, it was a long drive.

14 Q. Okay. Has -- did anybody ever ask you why you were
15 coming from nearly two hours away to get controlled
16 substances?

17 A. I don't believe they asked, more or less just made a
18 comment that that seems to be a common thing for that clinic,
19 that people would drive from all over to come there.

20 Q. All right. Did you then have a visit with Mr. Young
21 at this appointment in September?

22 A. Yes.

23 Q. And did you and Ms. Norton both pay separately for an
24 appointment with Mr. Young?

25 A. We did.

EXAMINATION OF KATIE TRIPP

130

1 Q. Did she pay more than you being her first visit?

2 A. I believe so, yes.

3 Q. But you sat in the room together with them?

4 A. Correct.

5 Q. All right. Let's go ahead and play what is now
6 Exhibit 33, it's our internal 1129. Is this a video from
7 that visit?

8 A. Yes.

9 Q. Okay.

10 (The video was played.)

11 BY MS. PAYERLE:

12 Q. All right.

13 JUROR: You said September. That was October.

14 MR. FERGUSON: That's right. The report on the
15 investigation is wrong.

16 THE COURT: That's what I show, October.

17 MS. PAYERLE: You show October. I'm sorry. What
18 are we looking at?

19 JUROR: That last video, you said it was
20 September, but we had already seen September.

21 MS. PAYERLE: I said September, and I should have
22 said October. I apologize. Thank you. I really do
23 appreciate you paying such close attention. It's getting to
24 the end of the day, and I think my brain is tired. Thank you
25 so much. Yes, October.

EXAMINATION OF KATIE TRIPP

131

1 BY MS. PAYERLE:

2 Q. That was the October visit for the record?

3 A. Yes, it was.

4 Q. Thank you so much. All right.

5 MS. PAYERLE: All right. Judge, do we want to --

6 THE COURT: I was just waiting to see if there
7 are any scripts related to this visit and then we're going to
8 go ahead and break for the evening.

9 MS. PAYERLE: Yes, let me put my fingers on those
10 if I can. Well, there are, Judge, but I'm having a hard time
11 locating them in this pile today. Would it be possible if we
12 started tomorrow with them?

13 THE COURT: Okay. We'll pick it up in the
14 morning.

15 MS. PAYERLE: Thank you, Judge.

16 THE COURT: Let me go ahead and close for today,
17 ladies and gentlemen, for quite a bit of proof. So remember
18 my instructions. It's more important at this time now that
19 you've heard a lot of locations about clinics and people
20 coming through and things like that. Don't discuss the case
21 when your families hit you tonight. Don't discuss it with
22 anyone or allow anyone to discuss it with you. Remember, no
23 local news because of, you know, some of the -- sometimes
24 things are sensationalized.

25 We'll pick this up at -- well, I'll say nine

1 o'clock. We'll probably get started at 9:15. I just have
2 one small report in another case I'm having to deal with. So
3 try to be in the court -- in the jury room again at nine
4 o'clock, and we'll pick it up probably around 9:15. Okay?

5 Leave your notebooks and don't discuss, and I'll
6 see you in the morning. I'm going to go ahead and excuse
7 you. Yeah, leave your notebooks here. Leave them in your
8 chair.

9 Are you a law enforcement officer now?

10 THE WITNESS: No, sir.

11 THE COURT: Ms. Tripp, if you would, please
12 remember, don't discuss your testimony with anyone overnight.

13 THE WITNESS: Yes, sir.

14 THE COURT: See you tomorrow. You can step down.

15 THE WITNESS: Thank you.

16 (Jury out at 5:34 p.m.)

17 THE COURT: All right. We're going to go ahead
18 and adjourn for the evening. Give the jurors a few minutes
19 to clear, if you would, please.

20 MS. PAYERLE: If I could advise the Court, part
21 of the reason for the confusion is we're actually moving a
22 little faster than we thought we would, just to keep
23 everybody up to speed on scheduling.

24 THE COURT: All right. That sounds good.

25 MS. PAYERLE: Thank you.

1 THE COURT: Let's go ahead and adjourn for today.
2 (Adjournment.)
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, TINA DuBOSE GIBSON, do hereby certify that the foregoing 133 pages are, to the best of my knowledge, skill and abilities, a true and accurate transcript from my stenotype notes of the trial held on the 28th day of March, 2023, in the matter of:

UNITED STATES OF AMERICA

vs.

JEFFREY W. YOUNG, JR.

Dated this 29th day of March, 2023.

s/Tina DuBose Gibson

TINA DuBOSE GIBSON, RPR
Official Court Reporter
United States District Court
Western District of Tennessee